

# 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: Ileana Flynn, 4661 SW 25 Avenue,  
Case # 10-1011

**Summary Explanation & Background:**

This was originally cited on 7/15/10 for 4 violations, and was given 10 days to comply. This went to the Special Magistrate on 9/2/10 for 4 violations. The Special Magistrate issued an order giving the respondent until 9/23/10 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 5/5/11 hearing, the fine was confirmed. The fines ran from 9/23/10 through 10/24/11, 396 days @ \$250.00 per day = \$99,000.00 plus recording/admin fees of \$354.00, for a total of \$99,354.00. This is a motion to accept the settlement offer received by the City. The City received \$5,000.00 as settlement for the fines, plus \$354.00 in administrative fees/costs, for a total settlement received of \$5,354.00.

**Exhibits (List):**

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

**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 \$5,000.00 as settlement for the fines, plus \$354.00 in administrative fees/costs, for a total settlement received of \$5,354.00.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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

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

PREPARED 9/11/12, 21:51:12  
 PROGRAM CE200L  
 CITY OF DANIA BEACH

CASE HISTORY REPORT  
 CASE NUMBER 10-00001011

CASE TYPE ----- DATE ESTBL ----- STATUS ----- STATUS DATE -----  
 Folio Number ----- INSPECTOR ----- TENANT NAME ----- TENANT NBR -----  
 ADDRESS ----- 7/13/10 ----- ACTIVE ----- 3/28/12 -----  
 MINIMUM STANDARDS ----- GARY PHANEUF -----

5042-29-05-0370-  
 4661 SW 25 AVE

70. CASE 10-00001011

CASE DATA: CERTIFIED MAIL NUMBER 7010 0290 0003 6192 2017  
 CERT LINE SM  
 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. - 13-34a; 13-34b; 13-34c; 22-1 7/15/10  
 VIOLATIONS ARE COMPLIED, BUT CASE REMAINS ACTIVE DUE TO 3/28/12  
 OUTSTANDING LIEN/FINES OWED AND COSTS DUE. 3/28/12  
 March 28, 2012 2:02:57 PM daninxl. 3/28/12

NOTICE NAMES: ILEANA FLYNN OWNER  
 4661 SW 25 AVENUE

RESULT TEXT: Property failed reinspection on 7.28.10 per Inspector Gary  
 Phaneuf. 7/29/10  
 July 29, 2010 9:04:00 AM DANITXT. 7/29/10

NARRATIVE: Compliance by September 22, 2010 or \$250.00 per day fine  
 per Special Magistrate Mitch Kraft at the September 2, 2010 9/07/10  
 Special Magistrate hearing. Authorization to abate nuisances 9/07/10  
 by cutting and cleaning the overgrowth and debris in regards 9/07/10  
 to charges # 1, 2, and 3, after September 22, 2010 granted 9/07/10  
 in the interest of public health and safety. \$200.00 9/07/10  
 administrative fee is assessed. 9/07/10  
 September 7, 2010 1:07:07 PM DANITXT. 9/07/10

RESULT TEXT: Property failed reinspection on 9.23.10 per Inspector Gary  
 Phaneuf. 9/24/10  
 September 24, 2010 2:56:26 PM DANITXT. 9/24/10

NARRATIVE: Fine confirmed per Special Magistrate Richard Conner at the  
 May 5, 2011 Special Magistrate hearing. 7/22/11  
 May 12, 2011 12:21:54 PM DANITXT. 7/22/11

PREPARED 9/11/12, 21:51:12  
PROGRAM CE200L  
CITY OF DANIA BEACH

CASE HISTORY REPORT  
CASE NUMBER 10-00001011

CASE TYPE DATE ESTBL STATUS DATE RESOLVED  
Folio Number INSPECTOR TENANT NBR  
ADDRESS 7/13/10 ACTIVE 3/28/12  
MINIMUM STANDARDS  
5042-29-05-0370-  
4661 SW 25 AVE GARY PHANEUF

70. CASE 10-00001011

RESLT TEXT: Property passed reinspection on 10/24/11 per Inspector Gary Phaneuf.  
October 25, 2011 3:56:38 PM DANISGA.

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	DATE RESOLVED
( 1 )	7/15/10	DBCC 13-34(a) Nus Accumulation 1 CE013034001001 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	IN COMPLIANCE	10/25/11
( 2 )	7/15/10	DBCC 13-34(b) Prop & RW Maint 1 CE013034002001 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	IN COMPLIANCE	10/25/11
( 3 )	7/15/10	DBCC 13-34(c) Untended Veg 1 CE013034003001 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	IN COMPLIANCE	10/25/11
( 4 )	7/15/10	DBCC 22-1 Bldg Numbers (Front) 1 CE022001000001 DBCC 22-1 states any building in the city must display the correct street number upon such building.	1	CE022001000001	IN COMPLIANCE	10/25/11

# City of Dania Beach

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

OWNER: FLYNN, ILEANA  
 FOLIO: 0229-05-0370  
 LEGAL: SEABOARD PARK 12024 B LOT 22 N 13, 23 BLK 3  
 ADDRESS: 4661 SW 25 AVENUE

CODE ENFORCEMENT ORDER LIEN				CEB 10-1011		RECORDED		RELEASED			
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	BOOK	PAGE	DATE
9/23/2010	10/24/2011	\$250.00	396	\$99,000.00	\$354.00	48059	236-242	7/22/2011			
					Total						
					\$99,354.00						

REVISED 4/4/2012

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
3	PAGES FINAL ORDER	32.00
2	PAGES SUPPLEMENTAL ORDER	17.00
2	PAGES RELEASE OF LIEN	25.00
	ADM. FEE RECORDING LIEN	40.00
	ADM. FEE RECORDING RELEASE	30.00
	ADM. FEE - SPECIAL MAGISTRATE FINE	200.00
		<b>354.00</b>