

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 16, 2013

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Maria M Ortiz, 692 SW 7 Terrace, Case # 08-0582, & 09-1685.

Summary Explanation & Background:

For case #08-0582: This case was originally cited on 4/2/08 for 12 violations, and was given 30 days to comply. This went to the Special Magistrate on 9/4/08 for 11 violations. The Special Magistrate issued an order giving the respondent until 12/13/08 to comply or a fine of \$200.00 per day would be levied. At the 4/2/09 hearing, the Special Magistrate confirmed the fine as a lien. The fines ran from 12/13/08 through 1/29/13, 1,508 days @ \$200.00 per day = \$301,600.00 plus admin fees of \$149.50, for a total of \$301,749.50.

For case #09-1685: This case was originally cited on 9/8/09 for 5 violations, and was given 14 days to comply. This went to the Special Magistrate on 11/5/09 for 5 violations. The Special Magistrate issued an order giving the respondent until 11/26/09 to comply or a fine of \$200.00 per day would be levied. At the 3/4/10 hearing, the Special Magistrate confirmed the fine as a lien. The fines ran from 11/26/09 through 1/29/13, 1,160 days @ \$200.00 per day = \$323,000.00 plus admin fees of \$258.00, for a total of \$232,258.00.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$5,790.00 as settlement for the fines, and \$1,970.70 for nuisance abatement liens for a total settlement received of \$7,760.70.

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 due to foreclosure. The City received \$5,790.00 as settlement for the fines, and \$1,970.70 for nuisance abatement liens for a total settlement received of \$7,760.70.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Type:
Notice of Violation

Case Number: 08-0582

Case Description:
MINIMUM STANDARDS

Status: Active
Status Date:

Default Inspector:
HISTORICAL CE
INSPECTOR

Cited Address:
692 SW 7 TER

Folio Number:

Cited Party:
MARIA M ORTIZ

Note Type

Case Notes

Date

INSPECTOR NAME	VERNARD WHITLEY	03-19-2008
Case Narrative	Vio letter-8-21(a)(4)(a); 8-21(a)(4)(f); 8-21(a)(5)(a) (1); 8-21(a)(5)(a)(2); 8-21(a)(5)(a) (3); 8-21(a)(5)(d); 15-1; 22-21; 25-125(b); 28-4.20(a); 33-211; FBC 105.1	04-02-2008
Case Inspections Text	Property failed reinspection per inspector Vernard Whitley. July 25, 2008 4:26:50 PM danilxg	07-25-2008
Case Other Actions	Sent for Title Search	01-06-2009
Case Board Meetings	Compliance by December 13, 2008 or \$200.00 per day fine Fine confirmed per Special Magistrate Mark Berman at the hearing. ordered per Special Magistrate Mark Berman. October 3, 2008 11:22:28 AM danilxg April 16, 2009 3:58:44 PM daniszp	07-23-2009
Case Inspections Text	Property failed reinspection per inspector Eric Walton. December 18, 2008 10:10:38 AM danilxg	08-10-2009
Case Inspections Text	Property failed reinspection per inspector Eric Walton. August 14, 2009 2:53:01 PM danilxg	08-14-2009
Case Narrative	Payment of \$5,790.00 for joint settlement with case # 09-1685 received on 3/18/13. ->KM 4/24/13	04-24-2013

Case Activity Comments

INITIAL - INITIAL INSPECTION	03-19-2008
HISTORICAL - DMS Violation Letter	04-02-2008
REINSPECTION - REINSPECTION	05-02-2008
HISTORICAL - DMS Affidavit of Service	08-22-2008
POST HEARING - POST BOARD	12-13-2008
F-TITLE SEARCH - TITLE SEARCH	01-06-2009
HISTORICAL - DMS Affidavit of Service	03-19-2009

Case Violations

1	CE008021141001 - DBCC 8-21(a)(4)(a) Building Condition	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.	ACTIVE	04/02/2008
2	CE008021146002 - DBCC 8-21(a)(4)(f) Fences/Walls Maintenance	DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	ACTIVE	04/02/2008
3	CE008021151101 - DBCC 8-21(a)(5)(a)(1) Building Maintenance	DBCC 8-21(a)(5)(a)(1) states the exterior of all premises 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.	ACTIVE	04/02/2008
4	CE008021151201 - DBCC 8-21(a)(5)(a)(2) Paint Maintenance	DBCC 8-21(a)(5)(a)(2) states all surfaces requiring painting 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.	ACTIVE	04/02/2008
5	CE008021151301 - DBCC 8-21(a)(5)(a)(3) Parking Maintenance	DBCC 8-21(a)(5)(a)(3) states all off street parking spaces shall be paved with asphalt or constructed of concrete or block, and shall be of smooth surface and in good repair.	ACTIVE	04/02/2008
6	CE008021154001 - DBCC 8-21(a)(5)(d) Vegetative Material Required	DBCC 8-21(a)(5)(d) states live vegetative material shall provide complete coverage of the entire yard area exposed to public view, and its height shall conform with all applicable city ordinances.	ACTIVE	04/02/2008
7	CE015001000001 - DBCC 15-1 BTR/License Required	DBCC 15-1 states it is unlawful for any person to engage in, manage or allow anyone on the person's property to engage in or manage any business in the city without having a business tax receipt (previously referred to as a license) from the city.	ACTIVE	04/02/2008
8	CE022021000001 - DBCC 22-21 Sidewalk Maintenance	DBCC 22-21 states it is the duty of each owner of abutting property to construct or reconstruct, and to maintain and keep in uniform repair sidewalks in front of or abutting upon the property.	ACTIVE	04/02/2008
9	CE025125002002 - DBCC 25-125(b) Front Parking Regulations	DBCC 25-125(b) states in the event the side or rear yard is inaccessible by alley or public or private road, or other legally permissible means, then said recreational vehicle, boat or utility trailer, may be parked or stored on the driveway, not less than five (5) feet from the front property line, perpendicular to the existing structure, except where parked on a paved circular driveway.	ACTIVE	04/02/2008
10	CE028004020101 - DBCC 28-4.20(a) Application of Regulations	DBCC 28-4.20(a) states no building shall be erected, added 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.	ACTIVE	04/02/2008
11	CE033211000001 - DBCC 33-211 Parking Surface	DBCC 33-211 states all areas reserved for off street parking shall be hard surfaced in accordance with the specifications of the city.	ACTIVE	04/02/2008
12	CE105001000001 - FBC 105.1 Permits Required	FBC 105.1 requires any owner or authorized agent who intends 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).	ACTIVE	04/02/2008

Case Number: 09-1685

Case Type:

Case Description:

Case Start Date:

Status:

Notice of Violation

MINIMUM STANDARDS

08-27-2009

Active

Default Inspector:
Tuchette Torres

Cited Address:
692 SW 7 TER

Folio Number:

Cited Party:
MARIA M ORTIZ

Note Type

Case Notes

Date

INSPECTOR NAME	ERIC WALTON	08-27-2009
INSPECTOR NAME	TUCHETTE TORRES	08-27-2009
Case Narrative	Vio.Let. - 8-21a2g; 13-34a; 13-34b; 13-34c; 13-74c	09-08-2009
Case Inspections Text	Property failed reinspection per Inspector Tuchette Torres. September 22, 2009 1:37:28 PM danilxg	09-22-2009
Case Inspections Text	Property failed reinspection on 11.25.09 per Inspector Eric Walton. December 15, 2009 12:03:13 PM DANITXT	02-03-2010
Case Board Meetings	Compliance by November 25, 2009 or \$200.00 per day fine. Authorization to abate nuisances by securing property, cutting and cleaning the property after November 25, 2009 granted in the interest of public health and safety per Special Magistrate Gordon Linn at the November 5, 2009 hearing.\$100.00 administrative fee is assessed. November 9, 2009 4:19:32 PM DANITXT	09-15-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft at the March 4, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. March 15, 2010 2:10:53 PM DANITXT	06-01-2011
Case Inspections Text	Complaint received that rear door open. Inspector Eric Walton reinspected property. Case submitted to Public Services to reboard rear door per Supervisor Nick Lupo. December 30, 2010 9:34:24 AM DANITXT.	06-01-2011
Case Inspections Text	Property failed reinspection on 6.4.10 per Inspector Eric Walton. June 9, 2010 9:15:48 AM DANITXT.	07-01-2011
Case Narrative	Per T/S results received on 6/21/12: hold on further action due to pending foreclosure. KM 1/16/13	01-16-2013
Case Narrative	Payment of \$1,970.70 for Public Services liens and \$3,574.02 for an outstanding utility account totalling \$5,544.72 received on 1/18/13. KM 1/22/13	01-22-2013
Case Inspections Text	Follow up set to check for payment clearing and to release Public Service lien. KM 1/23/13	01-23-2013
Case Narrative	Payment of \$5,790.00 for joint settlement with case # 08-0582 received on 3/18/13. KM 4/24/13	04-24-2013

Case Activity Comments

INITIAL - INITIAL INSPECTION	08-27-2009
HISTORICAL - DMS Violation Letter	09-08-2009
REINSPECTION - REINSPECTION	09-22-2009
HISTORICAL - DMS Affidavit of Service	10-24-2009
POST HEARING - POST BOARD	11-25-2009
F-TITLE SEARCH - TITLE SEARCH	12-15-2009
FORECLOSURE - FORECLOSURE REINSPECTION	06-02-2010
F-TITLE SEARCH - TITLE SEARCH	06-24-2010
NUISANCE ABATE - NUISANCE ABATEMENT REINSPECT	12-29-2010
F-TITLE SEARCH - TITLE SEARCH	04-11-2012

Case Violations

1	CE008021127001 - DBCC 8-21(a)(2)(g) Window/Door Maintenance	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.	ACTIVE	08/27/2009
2	CE013034001001 - DBCC 13-34(a) Nuisance 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.	ACTIVE	08/27/2009
3	CE013034002001 - DBCC 13-34(b) Property & R/W Maintenance	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.	ACTIVE	08/27/2009
4	CE013034003001 - DBCC 13-34(c) Untended Vegetation	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.	ACTIVE	08/27/2009
5	CE013074003002 - DBCC 13-74(c) Removal of Items from Front Yard	DBCC 13-74(c) states all garbage carts and all other receptacles shall be removed from the right of way and from the front yard no later than dusk of the day of collection.	ACTIVE	08/27/2009

City of Dania Beach

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

OWNER: ORTIZ, MARIA M
 FOLIO: 1203-35-0110
 LEGAL: COLLEGE TRACT FIRST ADD 22-10 B LOT 10 BLK 2
 ADDRESS: 692 SW 7 TERRACE

CODE ENFORCEMENT ORDER LIEN										CEB 08-0582		
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	Total	RECORDED BOOK	RECORDED PAGE	RELEASED BOOK	RELEASED PAGE	DATE	
12/13/2008	1/29/2013	\$200.00	1,508	\$301,600.00	\$149.50	\$301,749.50	46439	1298-1304			8/10/2009	

CASE COMPLIED 1/29/13

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
4	PAGES FINAL ORDER	34.00
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
		149.50

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 FOLIO: 1203-35-0110
 LEGAL: COLLEGE TRACT FIRST ADD 22-10 B LOT 10 BLK 2
 ADDRESS: 692 SW 7 TERRACE

CODE ENFORCEMENT ORDER LIEN CEB 09-1685

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee		RECORDED		RELEASED	
					Record	Fee	BOOK	PAGE	DATE	BOOK
11/26/2009	1/29/2013	\$200.00	1,160	\$232,000.00	\$258.00		47008	1084-1091	4/12/2010	
					Total					
					\$232,258.00					

CASE COMPLETED 1/29/13

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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 LEGAL: COLLEGE TRACT FIRST ADD 22-10 B LOT 10 BLK 2
 ADDRESS: 692 SW 7 TERRACE

LOT MOWING AND DEBRIS REMOVAL LIEN

Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
12/14/2009	2/26/2013	\$891.49	1,170	0.00032900	\$0.293300	\$343.16	\$90.00	\$1,324.65	46765	1148	12/30/2009	49543	1043	2/26/2013

CASE # 09-1685 RECORDED

RELEASED

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>

City of Dania Beach

OWNER: ORTIZ, MARIA M
 FOLIO: 1203-35-0110
 LEGAL: COLLEGE TRACT FIRST ADD 22-10 B LOT 10 BLK 2
 ADDRESS: 692 SW 7 TERRACE

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

NUISANCE ABATEMENT LIEN

Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
6/28/2010	2/26/2013	\$101.34	974	0.00032900	\$0.033341	\$32.47	\$90.00	\$223.81	47190	50	7/6/2010	49543	1049	2/26/2013
9/14/2010	2/26/2013	\$177.97	896	0.00032900	\$0.058552	\$52.46	\$90.00	\$320.43	47379	23	9/16/2010	49543	1000	2/26/2013

CASE # 09-1685 RECORDED

Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
6/28/2010	2/26/2013	\$101.34	974	0.00032900	\$0.033341	\$32.47	\$90.00	\$223.81	47190	50	7/6/2010	49543	1049	2/26/2013
9/14/2010	2/26/2013	\$177.97	896	0.00032900	\$0.058552	\$52.46	\$90.00	\$320.43	47379	23	9/16/2010	49543	1000	2/26/2013

ESTIMATED COST OF RECORDING FEES

1	PAGE(S)	CLAIM OF LIEN	10.00
	ADM. FEE RECORDING LIEN		40.00
2	PAGE(S)	RELEASE OF LIEN	20.00
	ADM. FEE RECORDING RELEASE		30.00
			<u>100.00</u>