

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: Jacob Stewart Wendel & Nadia Wendel, 4389 SW 52 Street, Case # 09-1677

Summary Explanation & Background:

This was originally cited on 9/8/09 for 11 violations, and was given 30 days to comply. This went to the Special Magistrate on 12/3/09 for 9 violations. The Special Magistrate issued an order giving the respondent until 12/24/09 to comply 3 of the violations or a fine of \$250.00 per day would be levied, and until 1/12/10 to comply 6 of the violations or a separate fine of \$200.00 per day would be levied. At the 10/7/10 hearing, the Special Magistrate confirmed the fines as liens. The case complied on 2/8/13. The fines ran from 12/24/09 through 2/8/13, 1,142 days @ \$250.00 per day = \$285,500.00, and from 1/12/10 through 2/8/13, 1,123 days @ \$200.00 per day = \$224,600.00, plus admin fees of \$258.00, for a total of \$510,358.00. This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$5,000.00 as settlement for the fines.

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 \$5,000.00 as settlement for the fines.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Type:

Notice of Violation

Case Number: 09-1677

Case Description:

MINIMUM STANDARDS

Status:

Active

Case Start Date:

08-31-2009

Status Date:

Default Inspector:
HISTORICAL CE
INSPECTOR

Cited Address:
4389 SW 52 ST

Folio Number:

Cited Party:

JACOB STEWART WENDEL &

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	08-31-2009
INSPECTOR NAME	MICHAEL RINALDI	08-31-2009
INSPECTOR NAME	TUCETTE TORRES	08-31-2009
Case Narrative	Vio.Let. - 8-21a2g; 8-21a4a; 8-21a4f; 8-21a5a1; 8-21a5a2; 13-29; 13-34a; 13-34b; 13-34c; 28-4.20a; FBC 105.1	09-08-2009
Case Inspections Text	Property failed reinspection per Inspector Mike Rinaldi. October 12, 2009 12:42:56 PM DANITXT	10-12-2009
Case Board Meetings	Compliance by December 23, 2009 or \$250.00 per day fine in December 8, 2009 10:23:51 AM DANITXT regards to the nuisance charges # 7,8 & 9. Authorization to abate nuisances by cutting and cleaning the property after December 23, 2009 granted in the interest of public health and safety. Compliance by January 12, 2010 or \$200.00 per day fine for all remaining violations per Special Magistrate Mitch Kraft at the December 3, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed.	12-08-2009
Case Inspections Text	Property failed reinspection on 12.23.09 per Inspector Warren Ostrofsy. December 29, 2009 4:26:50 PM DANITXT	12-29-2009
Case Inspections Text	Property failed reinspection on 1.12.10 per Inspector Mike Rinaldi. January 15, 2010 9:59:19 AM DANITXT	09-01-2010
Case Inspections Text	Property failed reinspection on 1.7.11 per Inspector Gary Phaneuf. January 12, 2011 3:01:27 PM DANITXT.	01-12-2011
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the October 7, 2010 Special Magistrate hearing. October 12, 2010 11:39:17 AM DANITXT.	04-11-2011
Case Inspections Text	LIEN RERECORDED 90 DAYS SEND TO TITLE SEARCH	04-11-2011
Case Inspections Text	pending being sent to title search July 21, 2011 8:43:31 AM danitxt.	07-21-2011
Case Inspections Text	Sent to Title search for authorization to foreclose. August 4, 2011 11:43:37 AM danitxt. per Victoria(l.r. ofc) do not schedule for foreclosure. Pending foreclosure. Resend supplemental order/confirm fines. File in postboard. September 27, 2011 3:12:51 PM danitxt.	09-29-2011

Case Inspections Text	Case compiled 2/18/13. -KM 4/24/13	04-24-2013
Case Narrative	Payment of \$5000.00 for settlement of code case received on 3/27/13 c/o Neomi Shrenker. -KM 4/24/13	04-24-2013

Case Activity Comments

INITIAL - INITIAL INSPECTION		08-31-2009
HISTORICAL - DMS Violation Letter		09-08-2009
REINSPECTION - REINSPECTION		10-08-2009
HISTORICAL - DMS Affidavit of Service		11-18-2009
POST HEARING - POST BOARD		12-23-2009
POST HEARING - POST BOARD		01-12-2010
F-TITLE SEARCH - TITLE SEARCH		06-24-2010
FORECLOSURE - FORECLOSURE REINSPECTION		01-05-2011
REINSPECTION - REINSPECTION		07-12-2011
F-TITLE SEARCH - TITLE SEARCH		08-04-2011

Case Violations

1	CE008021127002 - DBCC 8-21(a)(2)(g) Window Equipment/Screens	DBCC 8-21(a)(2)(g) states all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	ACTIVE	08/31/2009
2	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	08/31/2009
3	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	08/31/2009
4	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	08/31/2009
5	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	08/31/2009
6	CE013029000001 - DBCC 13-29 Stagnant Water/Mosquitoes	DBCC 13-29 states it is unlawful for any person to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.	ACTIVE	08/31/2009

7	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	08/31/2009
8	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	08/31/2009
9	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	08/31/2009
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	08/31/2009
11	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	08/31/2009

City of Dania Beach

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

OWNER: WENDEL, JACOB STEWART & NADIA
FOLIO: 0136-02-0650
LEGAL: BROWARD GARDENS 21-48 B LOT 20 BLK 4
ADDRESS: 4389 SW 52 STREET

CODE ENFORCEMENT ORDER LIEN CEB 09-1677

Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record		RECORDED		RELEASED			
					Fee	Total	BOOK	PAGE	BOOK	PAGE	DATE	DATE
1/12/2010	2/8/2013	\$200.00	1,123	\$224,600.00	\$258.00	\$224,858.00	47458	914-920			10/19/2010	
12/24/2009	2/8/2013	\$250.00	1,142	\$285,500.00	\$0.00	\$285,500.00	47846	396-403			4/13/2011	
					TOTAL	\$510,358.00						

COMPLIED 2/8/13

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
TOTAL			258.00