

AGENDA REQUEST FORM

CITY OF DANIA BEACH

Date: September 19, 2013

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: A & J Subachan Invest Inc, 380 S Federal Highway, Case # 07-0158, 07-1861, 08-0178, & 10-1027.

Summary Explanation & Background:

For case #07-0158: This was originally cited on 1/25/07 for 5 violations, and was given 14 days to comply. This went to the Special Magistrate on 4/09/07 for 5 violations. The Special Magistrate issued an order giving the respondent until 5/09/07 to comply or a fine of \$250.00 per day would be levied. At the 8/20/07 hearing, Special Magistrate Mitch Kraft confirmed the fine. The property was brought into compliance on 11/20/07. The fines ran from 5/9/07 through 11/20/07, 195 days @ \$250.00 per day = \$48,750.00 plus admin fees of \$149.50 for a total of \$ 48,899.50. At the 7/09/09 Special Magistrate hearing, Special Magistrate Mark Berman recommended an abatement of \$7,500.00 to the City Commission. No abatement was granted at the 9/17/09 Commission Abatement Hearing.

For case #07-1861: This was originally cited on 7/20/07 for 1 violation and was given 30 days to comply. This went to the Special Magistrate on 10/01/07 for 1 violation. The Special Magistrate issued an order giving the respondent until 11/10/07 to comply or a fine of \$100.00 per day would be levied. At the 7/09/09 hearing, the fine was confirmed. The property was brought into compliance on 5/08/09. The fine ran from 11/10/07 through 5/08/09 at \$100.00 per day = \$54,500.00 plus admin fees of \$149.50, totaling \$54,649.50. At the 7/09/09 hearing, Special Magistrate Mark E. Berman made a recommendation that was refused by the owner; therefore, no abatement recommendation was made and the case was forwarded to the City Commission. No abatement was granted at the 1/21/10 Commission Abatement Hearing.

For case #08-0178: This was originally cited on 2/8/08 for 6 violations, and was given 30 days to comply. This went to the Special Magistrate on 5/01/08 for 6 violations. The Special Magistrate issued an order giving the respondent until 7/10/08 to comply or a fine of \$150.00 per day would be levied. Special Magistrate Mark Berman ordered the fine confirmed at the 4/02/09 hearing. The property complied on 5/06/09. The fines ran from 7/10/08 through 5/06/09, 300 days @ \$150.00 per day = \$45,000.00 plus admin fees of \$258.00, totaling \$45,258.00. At the 12/03/09 Special Magistrate hearing, Special Magistrate Mitch Kraft recommended an abatement of \$20,000.00 from the original amount of \$45,000.00 to the City Commission. No abatement was granted at the 1/21/10 Commission Abatement Hearing.

For case #10-1027: This was originally cited on 7/21/10 for 7 violations, and was given 14 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 11/11/10 to comply or a fine of \$200.00 per day would be levied. At the 1/6/11 hearing, Special Magistrate Gordon Linn ordered the fine confirmed. At the 8/4/11 hearing, Special Magistrate Mark Berman granted authorization to foreclose. The property complied on 5/30/13. The fines

ran from 11/11/10 through 5/30/13, 931 days @ \$200.00 per day = \$186,200.00 plus \$262.50 in admin fees, totaling \$186,462.50.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$2,000.00 as settlement for code cases ordered by the circuit court and \$6,000.00 for settlement of the code cases, for a total settlement received of \$8,000.00.

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 due to foreclosure. The City received \$2,000.00 as settlement for code cases ordered by the circuit court and \$6,000.00 for settlement of the code cases, for a total settlement received of \$8,000.00.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

HISTORICAL - DMS Affidavit of Service	08-09-2007
REINSPECTION - REINSPECTION	11-18-2007
HISTORICAL - DMS Affidavit of Service	06-25-2009
HISTORICAL - ABATEMENT RESULTS	09-17-2009
HISTORICAL - DMS Affidavit of Service	09-22-2009

Case Violations

1	CE008022130001 - DBCC 8-22(a) (3) Commercial Minimum Standards 1	DBCC 8-22(a)(3) states the exterior of every building or structure shall be maintained in a state of good repair and all surfaces thereof shall be kept painted or whitewashed where necessary.	ACTIVE	01/25/2007
2	CE008022130002 - DBCC 8-22(a) (3) Commercial Minimum Standards 2	DBCC 8-22(a)(3) states all exterior surfaces of every building or structure shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint and/or any other condition reflective of deterioration or inadequate maintenance.	ACTIVE	01/25/2007
3	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	01/25/2007
4	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	01/25/2007
5	CE013075310001 - DBCC 13-75(c) (10) Dumpster Maintenance Viol	DBCC 13-75(c)(10) requires all dumpsters to include a top-loaded cover which shall remain closed at all times except when in use. No garbage, refuse, or waste may be located anywhere on the site except in a dumpster designed and approved for such temporary storage purpose.	ACTIVE	01/25/2007

POST HEARING - POST BOARD	11-10-2007
REINSPECTION - REINSPECTION	05-08-2009
FORECLOSURE - FORECLOSURE REINSPECTION	10-09-2009
HISTORICAL - DMS Affidavit of Service	12-14-2010

Case Violations

1	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	07/16/2007
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POST HEARING - POST BOARD	07-10-2008
FORECLOSURE - FORECLOSURE REINSPECTION	07-02-2009
HISTORICAL - DMS Affidavit of Service	12-14-2010

Case Violations

1	CE008022110001 - DBCC 8-22(a) (1) Commercial Property Maintenance	DBCC 8-22(a)(1) states the exterior of the buildings and structures shall be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of the occupants, customers, pedestrians and other persons utilizing the premises.	ACTIVE	02/08/2008
2	CE008022130001 - DBCC 8-22(a) (3) Commercial Minimum Standards 1	DBCC 8-22(a)(3) states the exterior of every building or structure shall be maintained in a state of good repair and all surfaces thereof shall be kept painted or whitewashed where necessary.	ACTIVE	02/08/2008
3	CE008022130002 - DBCC 8-22(a) (3) Commercial Minimum Standards 2	DBCC 8-22(a)(3) states all exterior surfaces of every building or structure shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint and/or any other condition reflective of deterioration or inadequate maintenance.	ACTIVE	02/08/2008
4	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	02/08/2008
5	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	02/08/2008
6	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	02/08/2008

REINSPECTION - REINSPECTION	08-04-2010
HISTORICAL - DMS Affidavit of Service	08-18-2010
POST HEARING - POST BOARD	11-11-2010
F-TITLE SEARCH - TITLE SEARCH	11-16-2010
HISTORICAL - DMS Affidavit of Service	12-14-2010
FORECLOSURE - FORECLOSURE REINSPECTION	05-11-2011
F-TITLE SEARCH - TITLE SEARCH	05-24-2011

Case Violations

1	CE008022110001 - DBCC 8-22(a) (1) Commercial Property Maintenance	DBCC 8-22(a)(1) states the exterior of the buildings and structures shall be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of the occupants, customers, pedestrians and other persons utilizing the premises.	ACTIVE	07/06/2010
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	07/06/2010
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	07/06/2010
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	07/06/2010
5	CE014002001001 - DBCC 14-2(a) Junk/Abandoned Vehicles	DBCC 14-2(a) states it is unlawful to park, store, have, or permit parking or storage of any junked and abandoned vehicle of any kind or parts thereof upon any private property unless the vehicle is completely enclosed within a building or is in connection with an approved business and licensed as such.	ACTIVE	07/06/2010
6	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	07/06/2010
7	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	07/06/2010

City of Dania Beach

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

OWNER: A & J SUBACHAN INVEST INC
FOLIO: 1203-04-0010
LEGAL: DANIA HEIGHTS 3-22 B LOT 1 LESS ST RD, LOT 2 LESS ST RD, LOT 3 LESS ST RD BLK 1
ADDRESS: 380 S FEDERAL HIGHWAY

CODE ENFORCEMENT ORDER LIEN										CEB 07-0158		
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	Total	RECORDED		RELEASED			
							BOOK	PAGE	BOOK	PAGE	DATE	DATE
5/9/2007	11/20/2007	\$250.00	195	\$48,750.00	\$149.50	\$48,899.50	44781	1713-1719	49841	247	11/2/2007	5/30/2013

Case compiled 11/20/07

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	25.50
3	PAGES	CLAIM OF LIEN	25.50
2	PAGES	RELEASE OF LIEN	18.50
	ADM. FEE	RECORDING LIEN	40.00
	ADM. FEE	RECORDING RELEASE	30.00
			149.50

City of Dania Beach

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

OWNER: A & J SUBACHAN INVEST INC
FOLIO: 1203-04-0010
LEGAL: DANIA HEIGHTS 3-22 B LOT 1 LESS ST RD, LOT 2 LESS ST RD, LOT 3 LESS ST RD BLK 1
ADDRESS: 380 S FEDERAL HIGHWAY

CODE ENFORCEMENT ORDER LIEN				CEB 07-1861		RECORDED		RELEASED			
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	BOOK	PAGE	DATE
11/10/2007	5/8/2009	\$100.00	545	\$54,500.00	\$149.50	46581	26-31	10/9/2009	49841	247	5/30/2013
					Total						
					\$54,649.50						

Case compiled 5/8/09

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

City of Dania Beach

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

OWNER: A & J SUBACHAN INVEST INC.
FOLIO: 1203-04-0010
LEGAL: DANIA HEIGHTS 3-22 B LOT 1 LESS ST RD, LOT 2 LESS ST RD, LOT 3 LESS ST RD BLK 1
ADDRESS: 380 S FEDERAL HIGHWAY

CODE ENFORCEMENT ORDER LIEN				CEB 08-0178		RECORDED		RELEASED			
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	BOOK	PAGE	DATE
7/10/2008	5/6/2009	\$150.00	300	\$45,000.00	\$258.00	47237	656-657	7/20/2010	49841	247	5/30/2013
					Total						
					\$45,258.00	47237	656-657	7/20/2010	49841	247	5/30/2013

Case compiled 5/6/09

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
 954-924-6800 Ext. 3662

OWNER: A & J SUBACHAN INVEST INC
 FOLIO: 1203-04-0010
 LEGAL: DANIA HEIGHTS 3-22 B LOT 1 LESS ST RD, LOT2 LESS ST RD, LOT 3 LESS ST RD BLK 1
 ADDRESS: 380 S FEDERAL HIGHWAY

CODE ENFORCEMENT ORDER LIEN				CEB 10-1027		RECORDED		RELEASED			
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	BOOK	PAGE	DATE
11/11/2010	5/30/2013	\$200.00	931	\$186,200.00	\$262.50	47713	1651-1657	2/11/2011	49841	247	5/30/2013
					Total						
					\$186,462.50						

Case compiled 5/30/13

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
3	PAGES	SUPPLEMENTAL ORDER	25.50
2	PAGES	RELEASE OF LIEN	25.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			262.50