

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: Jonathan G Falco & Tiffany L Kuboske, 4649 SW 37 Avenue, Case # 10-1186

Summary Explanation & Background:

This was originally cited on 8/25/10 for 3 violations. This went to the Special Magistrate on 10/7/10 for 3 violations. The Special Magistrate issued an order giving the respondent until 10/28/10 to comply or a fine of \$250.00 per day would be levied, and authorizing the City to abate the nuisances after 10/28/13. At the 5/5/11 hearing, the Special Magistrate confirmed the fine as a lien. The property was brought into compliance on 10/28/10. The fine ran from 10/28/10 through 2/26/13, 852 days @ \$250.00 per day = \$213,000.00 plus recording/admin fees of \$254.00, for a total of \$213,254.00. The City received \$5,000 for code fines and \$2,634.40.00 for a Public Service lien placed on the property for nuisance abatement, for a total settlement of \$7,634.40.

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 request to accept the settlement offer received by the City due to foreclosure. The City received \$5,000 for code fines and \$2,634.40.00 for a Public Service lien placed on the property for nuisance abatement, for a total settlement of \$7,634.40.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Activity Comments

| | |
|---|------------|
| INITIAL - INITIAL INSPECTION | 08-10-2010 |
| HISTORICAL - DMS Violation Letter | 08-25-2010 |
| REINSPECTION - REINSPECTION | 09-04-2010 |
| HISTORICAL - DMS Affidavit of Service | 09-20-2010 |
| NUISANCE ABATE - NUISANCE ABATEMENT REINSPECT | 10-28-2010 |
| F-TITLE SEARCH - TITLE SEARCH | 01-06-2011 |
| FORECLOSURE - FORECLOSURE REINSPECTION | 09-01-2011 |
| F-TITLE SEARCH - TITLE SEARCH | 11-28-2011 |
| F-FOLLOW UP - UPDATE | 04-09-2012 |

Case Violations

| | | | | |
|---|---|---|--------|------------|
| 1 | 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 | 08/10/2010 |
| 2 | 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 | 08/10/2010 |
| 3 | 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 | 08/10/2010 |

City of Dania Beach

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

OWNER: FALCO, JONATHAN G. & KUBOSKE, TIFFANY L.
 FOLIO: 0230-07-0060
 LEGAL: DAVIS ISLES SEC 5 46-48 B LOT 4 & 1/19 INT IN E 1/2 OF CANAL ABUTTING SAID LOT
 ADDRESS: 4649 SW 37 AVENUE

CODE ENFORCEMENT ORDER LIEN

| Start Date | Through Date | Lien Amount | # of Days | TOTAL FINE | Record Fee | | RECORDED | | RELEASED | | | |
|------------|--------------|-------------|-----------|--------------|-------------|--------------|----------|-----------|----------|---------|----------|-----------|
| | | | | | CEB 10-1186 | Record Fee | BOOK | PAGE | BOOK | PAGE | DATE | DATE |
| 10/28/2010 | 2/26/2013 | \$250.00 | 852 | \$213,000.00 | \$254.00 | | 47947 | 1329-1335 | 49882 | 521-522 | 6/1/2011 | 6/12/2013 |
| | | | | | | Total | | | | | | |
| | | | | | | \$213,254.00 | | | | | | |

Complied 2/26/13

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 | 100.00 |
| | | | 254.00 |

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NUISANCE ABATEMENT LIEN

| Interest Start | Through Date | Lien Amount | # of Days | Interest Amount | Per Diem | Interest Amount | Record Fee | CASE # 10-1186 RECORDED | | | RELEASED | | | | |
|----------------|--------------|-------------|-----------|-----------------|------------|-----------------|------------|-------------------------|------|------------|----------|------|-----------|--|--|
| | | | | | | | | BOOK | PAGE | DATE | BOOK | PAGE | DATE | | |
| 11/9/2010 | 4/10/2013 | \$1,578.86 | 883 | 0.00032900 | \$0.519445 | \$458.67 | \$90.00 | 47537 | 1128 | 11/22/2010 | 49685 | 1157 | 4/10/2013 | | |
| 6/7/2011 | 4/10/2013 | \$120.97 | 673 | 0.00032900 | \$0.039799 | \$26.78 | \$90.00 | 47989 | 145 | 6/21/2011 | 49685 | 1156 | 4/10/2013 | | |
| 9/20/2011 | 4/10/2013 | \$171.67 | 568 | 0.00032900 | \$0.056479 | \$32.08 | \$90.00 | 48202 | 127 | 9/26/2011 | 49685 | 1155 | 4/10/2013 | | |
| Total | | | | | | | | \$2,127.53 | | | | | | | |
| Total | | | | | | | | \$237.75 | | | | | | | |
| Total | | | | | | | | \$293.75 | | | | | | | |
| Total | | | | | | | | <u>\$2,659.04</u> | | | | | | | |

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> |