

# 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: Phillipe & Claire Tronel and Lea Souza & Wilson Souza, 715 SW 9 Street, Case # 10-1741

**Summary Explanation & Background:**

This was originally cited on 11/22/10 for 7 violations, and was given 30 days to comply. This went to the Special Magistrate on 4/7/11 for 7 violations. The Special Magistrate issued an order giving the respondent until 5/17/12 to comply or a fine of \$250.00 per day would be levied. At the 8/4/11 hearing, the Special Magistrate confirmed the fine as a lien. The case complied on 1/10/12. The fines ran from 5/17/11 through 1/10/12, 238 days @ \$250.00 per day = \$59,500.00, plus admin fees of \$262.50, for a total of \$59,762.50. This is a motion to accept the settlement offer received by the City due to bankruptcy. The City received \$3,000.00 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 bankruptcy. The City received \$3,000.00 as settlement for the fines.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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

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

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
10-05-2010

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
715 SW 9 ST

Folio Number:  
5142-03-34-0140

Cited Party:  
LEA SOUZA & WILSON SOUZA

Note Type

Case Notes

Date

INSPECTOR NAME	WARREN OSTROFSKY		10-05-2010
Case Narrative	Vio.let. - 8-21a5a2; 13-34a; 13-34b; 14-2a; 15-1; FBC 105.1; 265-100(c)		11-22-2010
Case Inspections Text	Property failed reinspection on 5.17.11 per Inspector Warren Ostrofsky. May 17, 2011 4:39:57 PM DANITXT.		05-17-2011
Case Board Meetings	Compliance by May 17, 2011 or \$250.00 per day fine per Magistrate hearing. \$100.00 administrative fee is assessed. April 13, 2011 10:14:17 AM DANITXT. Special Magistrate Mark Berman at the April 7, 2011 Special		08-10-2011
Case Inspections Text	Extension granted on 12.22.10 to 1.12.11 per Inspector Warren Ostrofsky. December 22, 2010 4:17:25 PM DANITXT. Extension granted on 1.12.11 to 2.12.11 per Inspector Warren Ostrofsky. January 19, 2011 9:17:05 AM DANITXT. Property failed reinspection on 2.18.11 per Inspector Warren Ostrofsky. February 18, 2011 4:39:55 PM DANITXT.		08-10-2011
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the 11:33:16 AM danitxt. August 4, 2011 Special Magistrate hearing. August 9, 2011		08-25-2011
Case Inspections Text	Per Supervisor Nick Lupo schedule case for hearing for an 11:10:38 AM danitxt. administrative order to remove name from lien. September 14, 2011		09-14-2011
Case Board Meetings	Partial release of names from lien for respondents Philippe Magistrate Mark Berman at the October 6, 2011 Special Magistrate. October 13, 2011 10:36:00 AM danitxt. & Claire Tronel granted in the amount of \$250.00 per Special		10-13-2011
Case Inspections Text	Check on abatement request, or send to title search.		01-10-2012
Case Inspections Text	Case passed reinspection on 1/10/12 per Insp Ostrofsky, as pending an abatement request on the accrued fines, and if not received, will be sent to title search. PM daninxl. NO ABATEMENT REQUEST RCVD - SEND TO TITLE SEARCH. April 12, 2012 5:59:34 PM daninxl. The file will be held for 30 days		04-12-2012
Case Narrative	Per title search results received: set for next available Special Magistrate hearing for authorization to foreclose. KM 9/20/12		09-20-2012
Case Board Meetings	Per Special Magistrate Gordon Linn, at the 11/11/12 hearing, the following was ordered: Authorization to foreclose granted.  KM 11/2/12		11-02-2012
Case Narrative	Payment of \$100.00 for Special Magistrate Costs received 1/24/13. KM 1/25/13		01-25-2013

Case Narrative	Settlement payment of \$3,000.00 received 5/9/13. Case scheduled for next Commission Abatement Hearing for settlement approval.  KM 6/11/13	06-11-2013
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### Case Activity Comments

INITIAL - INITIAL INSPECTION		10-05-2010
HISTORICAL - DMS Violation Letter		11-22-2010
REINSPECTION - REINSPECTION		12-22-2010
REINSPECTION - REINSPECTION		01-12-2011
REINSPECTION - REINSPECTION		02-12-2011
POST HEARING - POST BOARD		05-17-2011
F-TITLE SEARCH - TITLE SEARCH		05-24-2011
FORECLOSURE - FORECLOSURE REINSPECTION		11-14-2011
FORECLOSURE - FORECLOSURE REINSPECTION		01-06-2012
F-FOLLOW UP - UPDATE		02-10-2012

### Case Violations

1	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	10/05/2010
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	10/05/2010
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	10/05/2010
4	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	10/05/2010
5	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	10/05/2010

6	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	10/05/2010
7	CE265100003001 - DBLDC 265-100(C) Parking Surface Required	DBLDC 265-100(C) states all areas reserved for off street parking shall be of smooth paved surface and in good repair in compliance with city codes.	ACTIVE	10/05/2010

# City of Dania Beach

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

**OWNER:** PHILLIPE & CLAIRE TRONEL  
**FOLIO:** WILSON & LEA SOUZA 1203-34-0140  
**LEGAL:** COLLEGE TRACT 19-9 B LOT 6 BLK 2  
**ADDRESS:** 715 SW 9 STREET

CODE ENFORCEMENT ORDER LIEN				CEB 10-1741		RECORDED		RELEASED	
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	BOOK	PAGE
5/17/2011	1/10/2012	\$250.00	238	\$59,500.00	\$262.50	48145	880-886	49882	501-502
					Total				
					\$59,762.50				
						8/29/2011			
									6/12/2013

CASE COMPLETED 1/10/12

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	40.50
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
			<b>262.50</b>