

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: March 5, 2014

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Kwok Keung Lai, Case #10-0434 and Chase Home Finance LLC, Case #10-1740, 2330 SW 44 Street

Summary Explanation & Background:

Case #10-0434: This case was originally cited against the previous owner, Kwok Keung Lai, on 4/9/10 for 8 violations and was given 30 days to comply. This went to the Special Magistrate on 6/3/10 for 8 violations. Special Magistrate Mitchell Kraft issued an order giving the respondent until 7/13/10 to comply or a fine of \$250.00 per day would be levied. At the 9/2/10 hearing, Special Magistrate Mitchell Kraft confirmed the fine as a lien. He also granted the City authorization to abate any of the existing public nuisance violations on the property. The property came into compliance on 6/21/13. The fines ran from 7/13/10 through 6/21/13, 1,074 days @ \$250.00 per day = \$268,500.00 plus admin fees of \$268.00 for a total of \$268,758.00.

Case #10-1740: The case was originally cited against Chase Home Finance, LLC, on 11/22/10 for 6 violations and was given 30 days to comply. This went to the Special Magistrate on 2/3/11 for 6 violations. Special Magistrate Mark Berman issued an order giving the respondent until 5/14/11 to comply or a fine of \$150.00 per day would be levied. At the 9/8/11 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. At the 7/12/12 hearing, Special Magistrate Gordon Linn granted authorization to foreclose. The property came into compliance 6/21/13. The fines ran from 5/14/11 through 6/21/13, 769 days @ \$150.00 per day = \$115,350.00 plus admin fees of \$254.50 for a total of \$115,604.00. The City received \$13,060.00 as settlement for both of the code cases.

Exhibits (List):

- (1) Copy of the history reports.
- (2) Copy of the lien sheets.

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 \$13,060.00 as settlement for both of the code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 10-0434

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
04-01-2010

Status: Active
Status Date:

Default Inspector:
Gary Phaneuf

Cited Address:
2330 SW 44 ST

Folio Number:

Cited Party:
KWOK KEUNG LAI

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	04-01-2010
Case Narrative	Vio.Let. - 8-21a4f; 13-34a; 13-34b; 13-34c; 14-2a; 15-1; 22-1; 33-211	04-09-2010
Case Inspections Text	Property failed reinspection on 5.11.10 per Inspector Gary Phaneuf. May 12, 2010 4:33:31 PM DANITXT	05-12-2010
Case Board Meetings	Compliance by July 13, 2010 or \$250.00 per day per Special Magistrate Mitch Kraft at the June 3, 2010 Special Magistrate hearing. \$100.00 administrative fee assessed. June 7, 2010 3:39:31 PM DANITXT.	06-07-2010
Case Inspections Text	Property failed reinspection on 7.14.10 per Inspector Gary Phaneuf. July 16, 2010 12:02:18 PM DANITXT.	07-16-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft at the September 2, 2010 Special Magistrate hearing. Authorization to abate nuisances by cutting and cleaning the overgrowth and debris, in regards to charges # 2, 3, and 4, after September 22, 2010 granted in the interest of public health and safety. September 7, 2010 1:04:50 PM DANITXT.	06-01-2011
Case Inspections Text	Property failed reinspection on 9.23.10 per Inspector Gary Phaneuf. September 24, 2010 2:57:05 PM DANITXT.	08-22-2011
Case Inspections Text	Per Insp Ostrofsky: case complied 6/21/13. Case remains open as fines are owed. KM 6/24/13	06-24-2013
Case Narrative	Per Tim Ryan's office: 1/31/14 - acceptd settlement of \$13.060 to satisfy liens in this case and case 10-1740. Send to March 5, 2014 Commission Abatement hearing. LW 1/31/14	01-31-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	04-01-2010
HISTORICAL - DMS Violation Letter	04-09-2010
REINSPECTION - REINSPECTION	05-09-2010
HISTORICAL - DMS Affidavit of Service	05-20-2010
POST HEARING - POST BOARD	07-13-2010

F-TITLE SEARCH - TITLE SEARCH	07-26-2010
HISTORICAL - DMS Affidavit of Service	08-17-2010
NUISANCE ABATE - NUISANCE ABATEMENT REINSPECT	09-23-2010

Case Violations

1	CE008021146002 - DBCC 8-21(a)(4)(f) Fence / Wall / in disrepair	DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	ACTIVE	04/01/2010
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	04/01/2010
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	04/01/2010
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	04/01/2010
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	04/01/2010
6	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	04/01/2010
7	CE022001000001 - DBCC 22-1 Building Numbers (Front/ Rear/ Alley)	DBCC 22-1 states any building in the city must display the correct street number upon such building and any building that abuts an alleyway in the city must display the correct street number of the building so that it is visible from the alleyway.	ACTIVE	04/01/2010
8	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	04/01/2010

Case Number: 10-1740

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
10-22-2010

Status:
Active

Status Date:

Default Inspector:
Gary Phaneuf

Cited Address:
2330 SW 44 ST

Folio Number:

Cited Party:
CHASE HOME FINANCE LLC

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	10-22-2010
INSPECTOR NAME	TUCHETTE TORRES	10-22-2010
Case Narrative	Vio.let. - 8-21a4f; 13-34a; 14-2a; 15-1; 22-1; 265-100(c)	11-22-2010
Case Inspections Text	Property failed reinspection on 12.22.10 per Inspector Gary Phaneuf. December 22, 2010 3:54:44 PM DANITXT.	02-02-2011
Case Board Meetings	Compliance by May 14, 2011 or \$150.00 per day fine per Special Magistrate Mark Berman at the February 3, 2011 Special Magistrate hearing. \$100.00 administrative fee is assessed. February 7, 2011 2:09:19 PM DANITXT.	02-07-2011
Case Inspections Text	Property failed reinspection on 6.10.11 per Inspector Gary Phaneuf. June 14, 2011 10:35:03 AM DANITXT.	06-14-2011
Case Inspections Text	Per Tim Ryan's office schedule for amend address on final order and confirmation of fine. July 19, 2011 9:43:00 AM danitxt.	07-19-2011
Case Board Meetings	Fine confirmed per Special Magistrate Gordon Linn at the September 8, 2011 Special Magistrate hearing. Final order amended. September 13, 2011 9:17:35 AM danitxt.	09-13-2011
Case Inspections Text	CASE FAILED REINSPECTION ON 2/10/12 PER INSP PHANEUF. WILL BE SENT TO TITLE SEARCH. February 25, 2012 9:43:51 AM daninxl.	04-17-2012
Case Inspections Text	Title search returned on 6/12/12 to set case for a hearing to authorize foreclosure. Scheduled for the Special Magistrate hearing on 7/12/12. 7-11-12 NL	07-11-2012
Case Board Meetings	Per Special Magistrate Gordon Linn, at the 7/12/12 hearing, the following was ordered: Authorization to foreclose granted. KM 8/6/12	08-06-2012
Case Inspections Text	Per Insp Ostrofsky: case complied 6/21/13. Case remains open as fines are owed. KM 6/24/13	06-24-2013
Case Narrative	Per Tim Ryan's office: 1/31/14 - acceptd settlement of \$13.060 to satisfy liens in this case and case 10-0434. Send to March 5, 2014 Commission Abatement hearing. LW 1/31/14	01-31-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	10-22-2010
HISTORICAL - DMS Violation Letter	11-22-2010
REINSPECTION - REINSPECTION	12-22-2010
POST HEARING - POST BOARD	05-14-2011
F-TITLE SEARCH - TITLE SEARCH	06-21-2011
FORECLOSURE - FORECLOSURE REINSPECTION	12-26-2011
F-TITLE SEARCH - TITLE SEARCH	04-11-2012

Case Violations

1	CE008021146002 - DBCC 8-21(a)(4)(f) Fence / Wall / in disrepair	DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.	COMPLIED	10/22/2010
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.	COMPLIED	10/22/2010
3	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.	COMPLIED	10/22/2010
4	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.	COMPLIED	10/22/2010
5	CE022001000001 - DBCC 22-1 Building Numbers (Front/ Rear/ Alley)	DBCC 22-1 states any building in the city must display the correct street number upon such building and any building that abuts an alleyway in the city must display the correct street number of the building so that it is visible from the alleyway.	COMPLIED	10/22/2010
6	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.	COMPLIED	10/22/2010

City of Dania Beach

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

OWNER: KWOK KEUNG LAI
FOLIO: 0229-01-1472
LEGAL: MARSHALLS EVERGLADE SUB 2-32 D 29-50-42 LOT 6 E 75 OF W 225 OF N 145 OF S 445 BLK 4
ADDRESS: 2320 SW 44 STREET

CODE ENFORCEMENT ORDER LIEN							CEB 10-0434			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
7/13/2010	6/21/2013	\$250.00	1,074	\$268,500.00	\$258.00	\$268,758.00	47409	726-732	9/30/2010	50541	1154	2/11/2014			

Case Complied 6/21/13

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	34.00
3	PAGES	SUPPLEMENTAL ORDER	25.50
1	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: CHASE HOME FINANCE LLC % MICHAEL GELETY
FOLIO: 0229-01-1472
LEGAL: MARSHALLS EVERGLADE SUB 2-32 D 29-50-42 LOT 6 E 75 OF W 225 OF N 145 OF S 445 BLK 4
ADDRESS: 2330 SW 44 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 10-1740	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
5/14/2011	6/21/2013	\$150.00	769	\$115,350.00	\$254.00	\$115,604.00	48202	293-300	9/26/2011	50541	1154	2/11/2014

Case Complied 6/21/13

ESTIMATED COST OF RECORDING FEES			
1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
2	PAGES	SUPPLEMENTAL ORDER	17.00
1	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