

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: Kim F Booher and Timothy Booher, 203 SE 5 Street, Case # 10-0701

Summary Explanation & Background:

This was originally cited on 5/28/10 for 4 violations, and was given 10 days to comply. This went to the Special Magistrate on 7/8/10 for 4 violations. Special Magistrate Mark Berman issued an order giving the respondent until 7/29/10 to comply or a fine of \$200.00 per day would be levied. At the 4/7/11 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. At the 2/7/13 hearing, Special Magistrate Mark Berman granted authorization to foreclose. The property came into compliance on 11/14/11. The fines ran from 7/29/10 through 11/14/11, 473 days @ \$200.00 per day = \$94,600.00 plus admin fees of \$262.00 for a total of \$94,862.00. There are also 4 Public Services liens that total \$1,363.00 and are included in this settlement.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$6,000.00 as settlement for the code case.

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 \$6,000.00 as settlement for the code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 10-0701

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
05-19-2010

Status:
Active

Status Date:

Default Inspector:
Eric Walton

Cited Address:
203 SE 5 ST

Folio Number:
5142-03-55-0190

Cited Party:
KIM F & Timothy Boocher

Note Type

Case Notes

Date

INSPECTOR NAME	ERIC WALTON	05-19-2010
INSPECTOR NAME	NICHOLAS LUPO	05-19-2010
Case Narrative	Vio.Let. - 13-29; 13-34a; 13-34b; 13-34c	05-28-2010
Case Inspections Text	Property failed reinspection on 6.8.10 per Inspector Eric Walton. June 9, 2010 9:08:45 AM DANITXT.	06-09-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the April 7, 2011 Special Magistrate hearing. April 13, 2011 9:13:35 AM DANITXT.	04-13-2011
Case Board Meetings	Compliance by July 28, 2010 or \$200.00 per day fine per Special Magistrate Mark Berman at the July 8, 2010 Special Magistrate hearing. Authorization to abate nuisances by cutting and cleaning overgrowth and debris, and cleaning the pool after July 28, 2010 granted in the interest of public health and safety. \$100.00 administrative fee is assessed. July 12, 2010 12:23:23 PM DANITXT.	04-14-2011
Case Inspections Text	Property failed reinspection on 8.3.10 per Inspector Eric Walton. August 4, 2010 8:46:47 AM DANITXT.	04-22-2011
Case Inspections Text	Property failed reinspection on 7.25.11 per Inspector Eric Walton. July 29, 2011 3:17:11 PM danitxt.	09-15-2011
Case Narrative	Violations are complied per Insp. Walton on 11/14/11, but the case has accrued fines and the admin fee is owed.	11-14-2011
Case Inspections Text	Per title search: schedule case for a hearing to authorize foreclosure. April 2, 2012 6:21:34 PM daninxl.	04-02-2012
Case Board Meetings	Per Special Magistrate Mark Berman, at the 5/3/12 hearing, the following was ordered: Authorization to foreclose granted. KM 8/2/12	08-02-2012
Case Inspections Text	Per title search results received 12/3/12, set case for next available hearing for authorization to foreclose. KM 12/3/12	12-03-2012
Case Board Meetings	Per Special Magistrate Mark Berman, at the 2/7/13 hearing, the following was ordered: Authorization to foreclose granted. KM 2/11/13	02-11-2013
Case Inspections Text	Per Insp Walton: case complied 11/14/11. KM 4/24/13	04-24-2013

Case Narrative	Per email from Owner to Tim Ryan - owner requests extension to November 30, 2012 to pay settlement offer of \$6,000. LW 10/17/2013	10-17-2013
Case Narrative	Per Email from Tim Ryan on 10/29/2013 - Extension request granted for payment of \$6,000 to November 30. 2013. LW 10/30/13	10-30-2013
Case Narrative	Per Tim Ryan's office: Received settlement check for \$6,000 on 11/21/2013 and Release of Lien. Process payment and record Release. Set for next Commission Abatement Hearing for Settlement Acceptance. LW 11/21/2013	11-21-2013

Case Activity Comments

INITIAL - INITIAL INSPECTION	05-19-2010
HISTORICAL - DMS Violation Letter	05-28-2010
REINSPECTION - REINSPECTION	06-07-2010
HISTORICAL - DMS Affidavit of Service	06-22-2010
POST HEARING - POST BOARD	07-28-2010
F-TITLE SEARCH - TITLE SEARCH	01-06-2011
FORECLOSURE - FORECLOSURE REINSPECTION	07-18-2011
F-TITLE SEARCH - TITLE SEARCH	11-28-2011
HISTORICAL - DMS Affidavit of Service	04-19-2012

Case Violations

1	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	05/19/2010
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	05/19/2010
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	05/19/2010
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	05/19/2010

City of Dania Beach

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

OWNER: KIM F. & TIMOTHY BOOCHER
 FOLIO: 1203-55-0190
 LEGAL: DANIA HIGHLANDS 87-1 B LOT 19 BLK 1
 ADDRESS: 203 SE 5 STREET

NUISANCE ABATEMENT LIEN						CASE # 10-0701			RECORDED			RELEASED		
Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
8/9/2010	12/4/2013	\$209.58	1,213	0.00032900	\$0.068952	\$83.64	\$103.00	\$396.22	47322	874	8/23/2010	50378	1107	12/4/2013
10/7/2010	12/4/2013	\$258.72	1,154	0.00032900	\$0.085119	\$98.23	\$103.00	\$459.95	47437	1825	10/11/2010	50378	1107	12/4/2013
12/7/2010	12/4/2013	\$147.50	1,093	0.00032900	\$0.048528	\$53.04	\$103.00	\$303.54	47590	530	12/16/2010	50378	1107	12/4/2013
6/7/2011	12/4/2013	\$135.45	911	0.00032900	\$0.044563	\$40.60	\$103.00	\$279.05	47989	149	6/21/2011	50378	1107	12/4/2013

ESTIMATED COST OF RECORDING FEES

1	PAGE(S) CLAIM OF LIEN	16.50
	ADM. FEE RECORDING LIEN	40.00
1	PAGE(S) RELEASE OF LIEN	16.50
	ADM. FEE RECORDING RELEASE	30.00
		<u>103.00</u>

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

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 FOLIO: 1203-55-0190
 LEGAL: DANIA HIGHLANDS 87-1 B LOT 19 BLK 1
 ADDRESS: 203 SE 5 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 10-0701	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
7/29/2010	11/14/2011	\$200.00	473	\$94,600.00	\$262.50	\$94,862.50	47868	1239-1245	4/22/2011	50378	1107	12/4/2013

Case Complied 11/14/11

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
			262.50