

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** June 4, 2014

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Approval of the Settlement Received for: Hitching Post Mobile Homes, LLC, Case #06-1436, Case #08-1504, and Case #10-1383, 945 S Federal Hwy

**Summary Explanation & Background:**

Case #06-1436: This case was originally cited on 10/11/06 for 7 violations and was given 30 days to comply. This went to the Special Magistrate on 1/8/07 for 6 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 2/22/07 to comply or a fine of \$150.00 per day would be levied. At the 4/9/07 hearing, Special Magistrate Mark Berman granted an extension of time until 5/9/07. At the 6/4/07 hearing Special Magistrate Gordon Linn granted an extension of time until 8/3/07. At the 3/3/08 hearing Special Magistrate Mark Berman confirmed the fine as a lien. At the 3/5/09 hearing, Special Magistrate Mitchell Kraft granted authorization to foreclose. The fines ran from 2/22/07 through 4/1/14, 2,595 days @ \$150.00 per day = \$389,250.00 plus admin fees of \$158.00 for a total of \$389,408.00.

Case #08-1504: The case was originally cited on 7/30/08 for 1 violation and was given 30 days to comply. This went to the Special Magistrate on 12/4/08 for 1 violation. Special Magistrate Gordon Linn issued an order giving the respondent until 1/13/09 to comply or a fine of \$225.00 per day would be levied. At the 6/4/09 hearing, Special Magistrate Mitchell Kraft confirmed the fine as a lien. At the 1/7/10 hearing, Special Magistrate Mark Berman granted authorization to foreclose. The fines ran from 1/13/09 through 4/1/14, 1,904 days @ \$225.00 per day = \$428,540.00 plus admin fees of \$141.00 for a total of \$428,541.00.

Case #10-1383: This case was originally cited on 9/30/10 for 7 violations and was given 30 days to comply. This went to the Special Magistrate on 1/6/11 for 7 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 4/16/11 to comply or a fine of \$150.00 per day would be levied. At the 8/4/11 hearing Special Magistrate Mark Berman confirmed the fine as a lien. This property came into compliance on 9/9/11 and the lien was never filed against the property; therefore there is no lien sheet attached for this case.

The City received \$7,500.00 as settlement for all 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 \$7,500.00 as settlement for both of the code cases.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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**City Manager**

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**City Clerk**

Case Number: 06-1436

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
10-11-2006

Status: Active  
Status Date:

Default Inspector:  
HISTORICAL CE  
INSPECTOR

Cited Address:  
945 S FEDERAL HWY

Folio Number:

Cited Party:  
D M R DEVELOPMENT LLC

Note Type

Case Notes

Date

Case Narrative	Vio Letter 8-22 a1, 8-22a3, 8-22a3, 13-29, 13-34a, 13-34b, 13-34c	10-11-2006
INSPECTOR NAME	THEODORE PEREZ	10-11-2006
V-DBCC 13-29 Stagnant Water/Mosq	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Insure the subject property is free of any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or treat all permitted collections of water so as to prevent such breeding.	10-11-2006
V-DBCC 13-34(a) Nus Accumulation	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Remove any garbage, litter, trash, stagnant water, untended vegetation, or discoloration, or any nuisance as defined in section 13-21 from the premises and maintain the property in accordance with all applicable city ordinances.	10-11-2006
V-DBCC 13-34(b) Prop & RW Maint	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Remove any garbage, trash, and litter from the property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks.	10-11-2006

V-DBCC 13-34(c) Untended Veg	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Cut all untended vegetation and maintain the property and the public rights of way, swales, and/or canal banks as required by code. Insure all grass, weeds, and underbrush are below eight (8) inches in height from the ground, and any overgrown vines and similar other vegetation are removed.	10-11-2006
V-DBCC 8-22(a)(1) Comm Maint	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Insure the exterior of the buildings and structures are free of all nuisances, unsanitary conditions, and any hazards to the safety of the occupants, customers, pedestrians and other persons utilizing the premises. Obtain any and all permits and approvals as necessary or required.	10-11-2006
V-DBCC 8-22(a)(3) Comm Min Std 1	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Insure the exterior of every building or structure is maintained in a state of good repair and all surfaces thereof are kept painted or whitewashed where necessary. Obtain any and all permits and approvals as necessary or required.	10-11-2006
V-DBCC 8-22(a)(3) Comm Min Std 2	VIOLATION DESCRIPTION - 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. ::: CORRECTIVE ACTION - Insure all exterior surfaces of every building or structure are 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. Obtain any and all permits and approvals as necessary or required.	10-11-2006
Case Inspections Text	Failed reinspection on 11/10/06. No Insp. initial. szm	12-15-2006
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. Respondent has requested an extension. May 10, 2007 8:45:20 AM danilxg	05-10-2007
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. August 14, 2007 9:36:52 AM danilxg	11-29-2007
Case Narrative	New Ownership: Steven Kates, Managing Memeber, The Hitching Post Mobile Homes LLC. 945 S. Federal Highway Dania Beach, Fl. 33004 Phn:954-929-4403 Fax:954-925-3742	03-07-2008
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. July 18, 2008 9:54:38 AM danilxg	11-26-2008
Case Board Meetings	Extension granted until August 3, 2007. Fine was confirmed per Special Magistrate Gordon Linn. Extension granted until 5/9/07 per Special Magistrate Mark Berman. February 8, 2008 9:03:57 AM danilxg April 13, 2007 9:13:51 AM danilxg	03-04-2009
Case Board Meetings	Fine was confirmed by Special Magistrate Mark Berman at the Stipulated Agreement: Compliance by 2/22/07 or a fine of \$150.00/day per Special Magistrate Gordon Linn. 3/3/08 hearing. sm	06-14-2010
Case Board Meetings	Authorization to foreclose granted per Special Magistrate Mitch Kraft at the March 5, 2009 hearing. March 24, 2009 1:47:01 PM daniszp	05-31-2011

Case Narrative	Per Tim Ryan's Office - accepted settlement offer of \$7,500 for this case and case #08-1504. Offer made to First Citizen's Bank on February 3, 2014. LW 4/22/14	04-22-2014
Case Narrative	Release of Lien Recorded 4/1/2014 LW 4/22/14	04-22-2014

### Case Activity Comments

INITIAL - INITIAL INSPECTION	10-11-2006
HISTORICAL - DMS Violation Letter	10-11-2006
REINSPECTION - REINSPECTION	11-10-2006
REINSPECTION - REINSPECTION	05-09-2007
REINSPECTION - REINSPECTION	08-03-2007
FORECLOSURE - FORECLOSURE REINSPECTION	06-01-2008

### Case Violations

1	CE008022110001 - DBCC 8-22(a) (1) Commercial properties nuisance	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	10/11/2006
2	CE008022130001 - DBCC 8-22(a) (3) Commercial property standards	DBCC 8-22(a)(3) states the exterior of every building or structure shall be maintained in a good state of repair and all surfaces shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained at every occupied building or structure.	ACTIVE	10/11/2006
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	10/11/2006
4	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	10/11/2006
5	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	10/11/2006
6	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	10/11/2006
7	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	10/11/2006

8	CE-HISTORICAL CODE/VIOLATION	THIS IS A HISTORICAL CODE/VIOLATION. SEE NOTES FOR DETAILS.	Violation Notes Included	10/11/2006
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Case Number: 08-1504

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
07-31-2008

Status:  
Active

Status Date:

Default Inspector:  
HISTORICAL CE  
INSPECTOR

Cited Address:  
945 S FEDERAL HWY

Folio Number:

Cited Party:  
HITCHING POST MOBILE  
HOMES LLC

Note Type

Case Notes

Date

INSPECTOR NAME	VERNARD WHITLEY	07-31-2008
Case Narrative	Vio letter-15-1	08-05-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton. October 1, 2008 10:33:35 AM danilxg	11-19-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton. January 16, 2009 2:50:58 PM danilxg	01-16-2009
Case Other Actions	Sent to Tim Ryan's for title search. February 25, 2009 4:19:58 PM danihxc	02-25-2009
Case Inspections Text	Property failed reinspection per Inspector Eric Walton. September 23, 2009 11:23:29 AM danilxg	09-23-2009
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft. July 7, 2009 2:17:46 PM daniszp	01-06-2010
Case Board Meetings	Compliance by January 13, 2009 or \$225.00 per day fine ordered per Special Magistrate Gordon Linn.	06-14-2010
Case Board Meetings	Authorization to foreclose granted by Special Magistrate Mark Berman at the January 7, 2010 Special Magistrate hearing. January 19, 2010 11:48:44 AM DANITXT	05-31-2011
Case Narrative	Per Tim Ryan's Office accepted settlement offer of \$7,500 for this case and case #06-1436. Offer made to First Citizen's Bank - February 3, 2014 LW 4/22/14	04-22-2014
Case Inspections Text	Release of Lien recorded 4/1/2014 LW 4/22/14	04-22-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	07-31-2008
HISTORICAL - DMS Violation Letter	08-05-2008
REINSPECTION - REINSPECTION	09-04-2008
HISTORICAL - DMS Affidavit of Service	11-18-2008

POST HEARING - POST BOARD	01-15-2009
F-TITLE SEARCH - TITLE SEARCH	02-25-2009
FORECLOSURE - FORECLOSURE REINSPECTION	09-04-2009
F-TITLE SEARCH - TITLE SEARCH	09-28-2009

**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	08/05/2008
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Case Number: 10-1383

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
09-23-2010

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
945 S FEDERAL HWY

Folio Number:

Cited Party:  
HITCHING POST MOBILE  
HOMES LLC

Note Type

Case Notes

Date

INSPECTOR NAME	WARREN OSTROFSKY	09-23-2010
Case Narrative	Vio.Let. - 8-22a1; 8-22a3 painted; 8-22a3 deterioration; 13-34a; 14-2a; 28-4.20a; FBC 105.1	09-30-2010
Case Inspections Text	Property failed reinspection per Inspector Warren Ostrofsky. November 10, 2010 3:57:12 PM DANITXT.	01-03-2011
Case Board Meetings	Compliance by April 16, 2011 or \$150.00 per day fine per Special Magistrate Gordon Linn at the January 6, 2011 Special Magistrate hearing. \$125.00 administrative fee is assessed. January 11, 2011 10:55:55 AM DANITXT.	01-11-2011
Case Narrative	Received \$125 admin cost. January 19, 2011 12:33:53 PM DANITXT.	01-19-2011
Case Inspections Text	Property failed reinspection on 4.18.11 per Inspector Warren Ostrofsky. April 20, 2011 12:12:00 PM DANITXT.	04-20-2011
Case Inspections Text	lien was not recorded. is property in compliance, if not, lien needs to be recorded	08-09-2011
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the August 4, 2011 Special Magistrate hearing. Hold on recording lien for 30 days. August 9, 2011 11:13:24 AM danitxt.	09-12-2011
Case Inspections Text	Property passed reinspection on 9.9.11 per Inspector Warren Ostrofsky, but still owes fines. Case will be in postboard pending abatement request letter or record lien. September 12, 2011 10:09:40 AM danitxt.	09-12-2011

Case Activity Comments

INITIAL - INITIAL INSPECTION	09-23-2010
HISTORICAL - DMS Violation Letter	09-30-2010
REINSPECTION - REINSPECTION	10-30-2010
POST HEARING - POST BOARD	04-16-2011
F-TITLE SEARCH - TITLE SEARCH	05-16-2011

## Case Violations

1	CE008022110001 - DBCC 8-22(a) (1) Commercial properties nuisance	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	09/23/2010
2	CE008022130001 - DBCC 8-22(a) (3) Commercial property standards	DBCC 8-22(a)(3) states the exterior of every building or structure shall be maintained in a good state of repair and all surfaces shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained at every occupied building or structure.	ACTIVE	09/23/2010
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	09/23/2010
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	09/23/2010
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	09/23/2010
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	09/23/2010
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	09/23/2010

# City of Dania Beach

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

**OWNER:** DMR DEVELOPMENT LLC  
**FOLIO:** 1203-00-0730  
**LEGAL:** 3-51-42 E 469 OF W 509 OF S 294 OF N1/2 OF NW1/4 OF SE1/4  
**ADDRESS:** 945 S FEDERAL HIGHWAY

CODE ENFORCEMENT ORDER LIEN							CEB 06-1436			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
2/22/2007	4/1/2014	\$150.00	2,595	\$389,250.00	\$158.00	\$389,408.00	45681	170-177	9/15/2008	50662	559	4/1/2014			

**REVISED** 4/22/2014

**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
			<b>158.00</b>

# City of Dania Beach

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

**OWNER:** HITCHING POST MOBILE HOMES LLC.  
**FOLIO:** 1203-00-0730  
**LEGAL:** 3-51-42 E 469 OF W 509 OF S 294 OF N1/2 OF NW1/4 OF SE1/4  
**ADDRESS:** 945 S FEDERAL HIGHWAY

CODE ENFORCEMENT ORDER LIEN							CEB 08-1504			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
1/13/2009	4/1/2014	\$225.00	1,904	\$428,400.00	\$141.00	\$428,541.00	46439	1241-1246	8/10/2009	50662	559	4/1/2014			

**REVISED** 4/22/2014

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	25.50
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
			<b>141.00</b>