

# 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: Broward Alliance for Neighborhood Development (former owner Marcus & Danette Estes), 246 NW 8 Avenue, Case #09-1097

**Summary Explanation & Background:**

This was originally cited on 6/15/09 for 9 violations, and was given 30 days to comply. This went to the Special Magistrate on 10/8/09 for 8 violations. Special Magistrate Mark Berman issued an order giving the respondent until 11/18/09 to comply or a fine of \$150.00 per day would be levied. At the 3/4/10 hearing, Special Magistrate Mitch Kraft granted an extension to 4/8/2010. At the 4/8/10 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. At the 12/2/10 hearing, Special Magistrate Mark Berman granted authorization to foreclose. The fines ran from 11/17/2009 through 4/23/14, 1,618 days @ \$150.00 per day = \$242,700.00 plus admin fees of \$258.00 for a total of \$242,958.00. There is also one (1) Public Services lien that totals \$368.17 and is included in this settlement.

This is a motion to accept the settlement offer received by the City due to sale of the property. The City received \$2,037.00 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 \$2,037.00 as settlement for the code case.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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

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

Case Number: 09-1097

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
06-12-2009

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
246 NW 8 AVE

Folio Number:

Cited Party:  
MARCUS & DANETTE ESTES

Note Type

Case Notes

Date

INSPECTOR NAME	WARREN OSTROFSKY	06-12-2009
Case Narrative	Vio.Let. -8-21a4a; 8-21a5a1; 8-21a5a3; 13-34a; 13-34b; 13-34c; 22-1; 28-4.20a; FBC 105.1	06-15-2009
Case Inspections Text	Extension granted until 8/15/09 per inspector Warren Ostrofsky. July 15, 2009 3:07:50 PM danilxg	07-15-2009
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. August 17, 2009 4:24:18 PM danilxg	08-17-2009
Case Board Meetings	Compliance by November 17, 2009 or \$150.00 per day fine per Special Magistrate Mark Berman at the October 8, 2009 hearing. October 22, 2009 9:03:07 AM DANITXT	10-22-2009
Case Inspections Text	Property failed reinspection on 11.17.09 per Inspector Warren Ostrofsky. November 17, 2009 4:41:24 PM DANITXT	12-22-2009
Case Board Meetings	Continuance granted to April 8, 2010 Special Magistrate hearing per Special Magistrate Mitch Kraft at the March 4, 2010 Special Magistrate hearing. March 5, 2010 9:00:41 AM DANITXT	07-08-2010
Case Inspections Text	Property failed reinspection on 7.7.10 per Inspector Warren Ostrofsky. July 8, 2010 9:34:47 AM DANITXT.	07-08-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the April 8,2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. April 13, 2010 11:38:22 AM DANITXT	07-14-2010
Case Board Meetings	Authorization to foreclose granted per Special Magistrate Mark Berman at the December 2, 2010 Special Magistrate hearing. December 9, 2010 12:53:11 PM DANITXT.	06-01-2011
Case Inspections Text	Per Insp. Ostrofsky: Case complied 4/23/14. Case remains open due to fines and costs associated with property. LW 4/23/14	04-23-2014
Case Narrative	Received abatement or settlement request from Broward Alliance for Neighborhood Development (owner) on 4/24/14. Referred Executive Director to Tim Ryan's office to work out settlement. LW 5/8/14	05-08-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	06-12-2009
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HISTORICAL - DMS Violation Letter	06-15-2009
REINSPECTION - REINSPECTION	07-15-2009
REINSPECTION - REINSPECTION	08-15-2009
HISTORICAL - DMS Affidavit of Service	09-22-2009
POST HEARING - POST BOARD	11-17-2009
FORECLOSURE - FORECLOSURE REINSPECTION	07-07-2010
F-TITLE SEARCH - TITLE SEARCH	07-14-2010
HISTORICAL - DMS Affidavit of Service	11-15-2010

### Case Violations

1	CE008021141001 - DBCC 8-21(a)(4)(a) Building Condition	DBCC 8-21(a)(4)(a) requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and all other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair.	ACTIVE	06/12/2009
2	CE008021151101 - DBCC 8-21(a)(5)(a)(1) Building Maintenance	DBCC 8-21(a)(5)(a)(1) states the exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks.	ACTIVE	06/12/2009
3	CE008021151301 - DBCC 8-21(a)(5)(a)(3) Parking Maintenance	DBCC 8-21(a)(5)(a)(3) states all off street parking spaces shall be paved with asphalt or constructed of concrete or block, and shall be of smooth surface and in good repair.	ACTIVE	06/12/2009
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	06/12/2009
5	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	06/12/2009
6	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	06/12/2009
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	06/12/2009
8	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	06/12/2009

9	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	06/12/2009
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# City of Dania Beach

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

OWNER: ESTES,MARCUS & DANNETTE

FOLIO: 0234-01-4230

LEGAL: TOWN OF MODELO (DANIA) B-49 D LOT 2 LESS PT DESC'D AS,BEG AT SE COR OF LOT 2,W ALG S/L OF LOT 2 FOR 108.50  
 TO SW COR OF LOT 2,NLY ALG W/L 11 FT,SLY 106.28 TO POB BLK 31

ADDRESS: 246 NW 8 AVENUE

CODE ENFORCEMENT ORDER LIEN						CEB 09-1097	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
11/17/2009	4/23/2014	\$150.00	1,618	\$242,700.00	\$258.00	\$242,958.00	47049	750-757	4/29/2010	50774	550	5/13/2014

REVISED 5/14/2014

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	34.00
3	PAGES	SUPPLEMENTAL ORDER	25.50
1	PAGES	RELEASE OF LIEN	10.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			<b>249.50</b>

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 ADDRESS: 246 NW 8 AVENUE

NUISANCE ABATEMENT LIEN						CASE # 09-1097	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
6/3/2010	5/7/2014	\$189.00	1,434	0.00032900	\$0.062181	\$89.17	\$90.00	\$368.17	47183	1942	6/30/2010	50774	550	5/13/2014



**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>