

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: September 3, 2014

Agenda Item #:

Title: Request for Abatement

Requested Action:

Consideration of the Abatement Request for: Ramon & Vivian P Garcia c/o Santiago Alvarez, SW 47 Court (Vacant Lot), Case No. 2013-0055

Summary Explanation & Background:

This was originally cited on as a REPEAT VIOLATION 1/17/13 for 2 violations. This went to the Special Magistrate on 3/7/13 for 2 violations. Special Magistrate Gordon Linn issued an order as a REPEAT VIOLATION and assessed a daily fine of \$100.00 beginning 1/17//13. The property was brought into compliance on 4/10/14. The fines ran from 1/17/13 through 4/10/14, 448 days @ \$100.00 per day = \$44,800.00 plus recording/admin fees of \$182.00 totaling \$44.982.00. At the 8/7/14 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$4,500.00 to the City Commission. The out of pocket costs to the City are \$2,000.00.

Exhibits (List):

- (1) Copy of the original violation letter issued.
- (2) Copy of all Final Orders and Supplemental Orders issued by the Special Magistrate.
- (3) Copy of the minutes from 3/7/13 and 8/7/14.
- (4) Copy of the lien total sheet.

Purchasing Approval:

Source of Additional Information: (Name & Phone)

Recommended for Approval By:

At the 8/7/14 hearing, Special Magistrate Mark Berman recommended an abatement of the fine to \$4,500.00 to the City Commission.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach FLORIDA

DATE: January 17, 2013 CASE: 2013-0055
PROPERTY ADDRESS: Vacant Lot E of 3730 SW 47 Ct
PROPERTY FOLIO: 5042 30 07 0440
PROPERTY OWNER: Garcia, Ramon & Vivian P

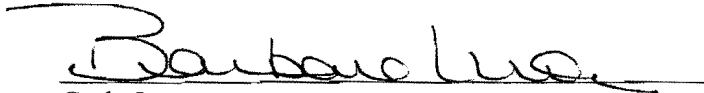
You are notified that you are presently in violation of the following Code of Ordinances, City of Dania Beach, Florida:

DBCC 13-34 (a) Unpermitted nuisance/trash/debris/untended vegetation

DBCC 13-34 (b) Property and right of way has overgrowth of grass/weeds

The above listed violation(s) is a repeat violation, as defined in Florida Statute 162.04(5). You must bring the violation(s) into compliance immediately and call for a reinspection.

Pursuant to Florida Statute 162.06(3), your case will be presented to the City's Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing the case. You will receive notice of the date and time for your hearing before the Special Magistrate on the above listed repeat violation(s). If you require further information or have any questions about the above violation, please contact the inspector listed below.


Code Inspector
954 - 924 - 6810 extension: 3718

I certify that an original hereof was furnished to the above named addressee by Certified Mail # 7012 1010 0002 9793 2464

** You may be fined up to \$500.00 per day per violation for each day the violation(s) continues, beginning from the day of the first inspection. As soon as you correct the violation, you must call the code inspector for a reinspection.

"Broward's First City"

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 2013-0055
Municipal Corporation,

PETITIONER, :

vs. :

RAMON & VIVIAN P GARCIA,

RESPONDENTS. :

FINAL ORDER ON REPEAT VIOLATION

This proceeding came on for Formal Hearing on March 7, 2013, after notice. Based upon the evidence presented, the Code Compliance Special Magistrate makes the following findings of fact and conclusions of law:

a. The Code Compliance Special Magistrate has jurisdiction of the Respondents and the subject matter of this action;

And

b. Respondents, Ramon and Vivian P. Garcia, did allow the following code violations to exist at property Respondents own, located at Vacant Lot E of 3730 SW 47 Court, Dania Beach, Florida, which property is legally described as: DAVIS ISLES SEC 5 46-48 B LOT 42: (0230 07 0440).

1. DBCC 13-34 (a) Nuisance Accumulation. It is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, stagnant water, trash, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises. There is untended vegetation, trash and litter on the premises. All untended vegetation must be cut, and all trash and litter on the premises must be removed.

2. DBCC 13-34 (b) Property and Right of Way Maintenance. 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 canal banks, clean and free from any

accumulation of garbage, trash, and litter. There is trash, litter and untended vegetation on the rights of way adjoining the property. Remove all trash, litter and untended vegetation from the property's adjoining rights of way in the designated area.

c. The violations of DBCC 13-34 (a) and DBCC 13-34 (b), as stated above, did exist on the above referenced property from January 17, 2013 to the date of this hearing and both violations are not in compliance.

d. Respondents, Ramon and Vivian P. Garcia, were previously found by the Dania Beach Special Magistrate to be in violation of DBCC 13-34 (a) and DBCC 13-34 (b) in the Final Order dated September 12, 2008, Case Number 08-0383.

e. The prior violations of the above referenced code sections occurred within five years of Respondents' current violations.

Upon consideration thereof, it is thereupon ORDERED:

1. Respondents, Ramon and Vivian P. Garcia:

(a) have been found to be in violation of the above described code sections listed in paragraphs b.(1) and b.(2). The code violations in this case are repeat violations pursuant to Florida Statute 162.04(5), and a fine of \$100.00 per day is imposed from January 17, 2013 until the date of compliance.

(b) **In addition, there is also assessed \$100.00 to cover costs incurred by the City in the prosecution of this matter.** Said amount is now due, and must be paid prior to the compliance date as ordered. If not paid, this cost assessment may also constitute a lien against the above referenced property which may also be actionable by law.

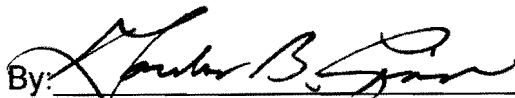
The fine shall continue until said violations come into compliance with said sections of the City Code upon requested inspection. Upon complying, the Respondents MUST notify the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondents have complied. If the Respondents do not notify the City's

Code Compliance Department, an officer will not inspect the property and the fine will continue to be imposed each day until a Code Officer is notified, inspects the property and determines the property to be in compliance with this order. Said fine shall constitute a lien upon the real property and personal property of the Respondents.

In the event this Final Order is recorded as a lien, a charge will be imposed to record the Final Order and any lien satisfaction.

ORDERED at Dania Beach, Broward County, Florida, this 27 day of March, 2013.

CODE COMPLIANCE SPECIAL MAGISTRATE

By: 
Gordon Linn, Esq.

Notary Seal:

Sworn and subscribed before me this 27 day of March, 2013.


NOTARY PUBLIC STATE OF FLORIDA

Gordon Linn is personally known to me.



CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was mailed to the Respondents, Ramon and Vivian P. Garcia, this 27 day of March, 2013.

CERTIFIED MAIL # 7012 1010 0002 5510 0218


CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail
am

Return to: Mark Bates, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

Case Order	Case #	Name	Address	Results	
1	08-0492	Rackeish C Boota c/o PPTS V Corp	710 SW 3 PL	Abatement recommended to the City Commission for \$23,730.00.	P
2	11-1607	PPTS V Corp	710 SW 3 PL	Abatement recommended to the City Commission for \$6,720.00.	P
3	2012-1125	Church's Chicken Dania LLC	141 S Federal HWY	Compliance by May 16, 2013 or \$150.00 per day fine. \$150.00 administrative fee assessed.	P
4	11-1716	Emerald Isles Condominium Assn c/o Unified Property Services	4524 SW 54 ST COMM	Fine reduced to \$1,500.00 if paid by April 6, 2013.	P
5	2013-0102	Douglas B Pearl & David S Pearl II & J E Pearl	2601 SW 31 ST	Finding of fact issued and \$250.00 administrative fee assessed to be paid by March 27, 2013.	P
6	08-2114	Robert Liauw	31 SW 10 ST	Extension granted to May 16, 2013.	P
7	2012-1335	SDS Development & Trust LLC	2616 Griffin RD	Compliance by April 16, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	P
8	12-0101	Southeastern Conference Assn of Seventh Day Adventists Inc	Vacant Lot N of 106 NW 12 AVE	Extension granted to May 16, 2013.	P
9	12-0241	Yale Mortgage Corp	4812 SW 45 AVE	Compliance by May 16, 2013 or \$200.00 per day fine. \$150.00 administrative fee assessed.	P
10	11-1754	Rosa Ward	614 Phippen RD	Extension granted to March 7, 2013. Case is complied.	P
11	11-1296	Cozy Cove Marina Inc	300 N Federal HWY	Compliance by May 16, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
12	11-0598	Ester & Ray Rex	4940 SW 45 AVE	Fine Confirmed. Hold until May, 6, 2013 on recording the lien.	P
13	2012-1085	IELC Land Tr Arael Medina & Connie Medina Trs	222 N Federal HWY	Compliance by June 15, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed.	P
14	2012-1347	David L Quillen	813 NW 6 AVE	Compliance by March 27, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
15	2012-1152	18 Realty LLC	1419 S Federal HWY	Compliance by June 15, 2013 or \$100.00 per day fine. \$100.00 administrative fee assessed.	P
16	11-0630	M Sterling Collins Rev Tr Anita L Collins	6 SW 5 AVE	Continued to April 4, 2013 Special Magistrate hearing.	P
17	2012-1067	John F Lexa	3311 SW 45 CT	Compliance by June 15, 2013 or \$150.00 per day fine. \$100 administrative fee assessed.	P
18	2012-1070	Blanchie Johnson Est	33 SW 6 AVE	Compliance by July 15, 2013 or \$150.00 per day fine. \$100 administrative fee assessed.	P
19	12-0253	2950 Griffin Road LLC % Angela Sulaymanova	2950 Griffin RD	Fine confirmed.	P
20	2012-1066	Jose H Canoa	49 SW 12 ST	Compliance by April 16, 2013 or \$100.00 per day fine. \$100 administrative fee assessed.	P
21	10-1842	Marco F Osorio	127 SE 1 AVE	Authorization to sue for money judgment granted. Hold on filing until April 6, 2013.	P
22	2012-1330	Ashely T Taylor Rev Tr Ashley Taylor Trste ETAL	4305 Stirling RD	Compliance by April 16, 2013 or \$250.00 one time assessment. \$50.00 administrative fee assessed.	NP
23	2012-1334	Roxanne Yount Arnold	2681 SW 51 ST	Compliance by April 16, 2013 for items # 1, 2, & 4 or \$100.00 per day fine. Compliance by April 16, 2013 for item # 3 or \$250.00 one time assessment. \$100.00 administrative fee assessed.	NP
24	2013-0055	Ramon & Vivian P Garcia*	Vacant Lot E of 3730 SW 47 CT	Repeat violation found. \$100.00 per day fine confirmed starting January 17, 2013. \$100.00 administrative fee assessed.	NP

City of Dania Beach

Case Order	Case #	Name	Address	Results	
1	2013-0055	Ramon & Vivian P Garcia c/o Santiago Alvarez*	SW 47 Ct	Abatement recommended to the City Commission of \$4,500.00	P
2	11-1478	My Darling LLC	4433 Stirling Rd	Extension granted to November 15, 2014	P
3	11-1554	My Darling LLC	4433 Stirling Rd	Extension granted to November 15, 2014	P
4	2013-0855	My Darling LLC	4417 Stirling Rd	Extension granted to November 15, 2014	P
5	2013-1856	BFF 101 Management LLC	129 NW 4 Ave	Extension granted to August 27, 2014	P
6	2014-0228	JRJD LLC	501 Stirling Rd	Extension granted to August 7, 2014. Case is now in compliance and closed	P
7	2013-1359	Franklin Belle	314 SW 13 St	Continued to next available hearing (10/9/2014)	P
8	2014-0739	N & D Holding Inc	4800 SW 28 Ter	Compliance by October 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
9	2014-0744	N & D Holding Inc	2822 Griffin Rd	Compliance by October 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
10	2013-0026	TOP US Investement LLC	720 SW 6 St	Extension granted to August 7, 2014. Case is now in compliance and closed	P
11	2014-0613	CLMIA LLC	4470 Ravenswood Rd	Compliance by September 16, 2014 or a \$150.00 per day fine. \$150.00 administrative fee assessed.	P
12	2013-0964	DMKM LLC c/o Corazon B James	5519 SW 24 Ave	Fine Confirmed (\$350)	P
13	2014-0623	David Bar	4212 SW 50 St	Compliance by September 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
14	2014-0751	Citibank NA Trstee	5417 SW 44 Ter	Compliance by August 27, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
15	2014-0844	Eduardo J Almora; Jose L Sotomayor & Beimar Patino	4599 SW 29 Ter	Compliance by September 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
16	2014-0622	Doris Chapman	5291 SW 22 Ave	Continued to next available hearing (10/9/2014)	P
17	2012-1092	T S Property Management c/o AJM Capital LLC	Vacant Lot @ NE Corner of NW 5 Ave & NW 2 St	Abatement recommended to the City Commission of \$7,000.00	P
18	2013-1132	Wells Fargo Bank NA Trstee c/o Waterfront809 LLC	809 NW 13 Ave	Abatement recommended to the City Commission of \$3,500.00	P
19	2014-0371	Marina Industrial Park LLC	SW 31 St	Compliance by September 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.	P
20	2014-0341	Russ Kodner	19 SW 14 St	Compliance by September 16, 2014 or \$250.00 per day fine. \$150.00 administrative fee assessed.	NP
21	2014-0909	HRC Dania LLC	37 SW 14 St	Stipulated Agreement. For Violation #1 - Compliance by September 16, 2014 or \$200.00 per day fine. For Violation #2 - Compliance by September 16, 2014 or a one time fine of \$250.00. \$100.00 administrative fee assessed.	NP
22	2013-0389	DRE (2012) (FL) LLC	275 SW 8 St	Extension granted to October 16, 2014	NP
23	2013-1309	Dalland Properties LP	113 NW 13 Ave	No order for Nuisance Abatement. Property is in compliance	NP

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-6810

OWNER: RAMON & VIVIAN P GARCIA
FOLIO: 0230-07-0440
LEGAL: DAVIS ISLES SEC 5 46-48 B LOT 42
ADDRESS: Vacant Lot E of 3730 SW 47 Court, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2013-0055			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
1/17/2013	4/10/2014	\$100.00	448	\$44,800.00	\$182.00	\$44,982.00	49644	1295-1298	3/28/2013						

COMPLIED 4/10/14

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
	PAGES	SUPPLEMENTAL ORDER	0.00
	PAGES	RELEASE OF LIEN	
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			182.00