

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** September 3, 2014

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Approval of the Settlement Received for: Michelle & Darryl Wilcox,  
Case #07-0181, Case #08-0566, and Case #10-0796, 141 NW 4 Avenue

**Summary Explanation & Background:**

Case #07-0181: This case was originally cited on 1/26/07 for 9 violations and was given 14 days to comply. This went to the Special Magistrate on 4/9/07 for 9 violations. Special Magistrate Mark Berman issued an order giving the respondent until 6/9/07 to comply or a fine of \$100.00 per day would be levied. At the 8/6/07 hearing, Special Magistrate Mark Berman granted an extension of time until 10/5/07. At the 5/6/10 hearing Special Magistrate Gordon Linn confirmed the fine as a lien. At the 11/3/11 hearing, Special Magistrate Gordon Linn granted authorization to foreclose. The fines ran from 10/5/07 through 7/9/08, 278 days @ \$100.00 per day = \$27,800.00 plus admin fees of \$258.00 for a total of \$28,058.00

Case #08-0566: The case was originally cited on 4/1//08 for 5 violations and was given 14 days to comply. This went to the Special Magistrate on 8/7/08 for 3 violations. Special Magistrate Mitchell Kraft issued an order giving the respondent until 11/15/08 to comply or a fine of \$150.00 per day would be levied. At the 3/5/09 hearing, Special Magistrate Mitchell Kraft confirmed the fine as a lien. At the 9/3/09 hearing, Special Magistrate Mitchell Kraft granted authorization to foreclose. The fines ran from 11/15/08 through 6/24/14, 2,047 days @ \$150.00 per day = \$307,050.00 plus admin fees of \$141.00 for a total of \$307,191.00.

Case #10-0796: This case was originally cited on 6/15/10 for 2 violations and was given 30 days to comply. This went to the Special Magistrate on 9/2/10 for 2 violations. Special Magistrate Mitchell Kraft issued an order giving the respondent until 10/12/10 to comply or a fine of \$200.00 per day would be levied. At the 5/5/11 hearing Special Magistrate Richard Conner confirmed the fine as a lien. At the 2/2/12 hearing, Special Magistrate Gordon Linn granted authorization to foreclose. The fines ran from 10/12/10 through 6/24/14, 1,351 days @ \$200.00 per day = \$270,200.00 plus admin fees of \$254.00 for a total of \$270,454.00.

The City received \$3,800.00 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 \$3,800.00 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: 07-0181

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
01-26-2007

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
141 NW 4 AVE

Folio Number:

Cited Party:  
MICHELLE B & DARRYL  
WILCOX

Note Type

Case Notes

Date

Case Narrative	Vio.Let.-8-21a2g window repair; 8-21a2g window screen; 8-21a4a; 8-21a5a2; 8-21a5a3; 8-21a5d; 13-34a; 13-34b; 15-1	01-26-2007
INSPECTOR NAME	TUCHETTE TORRES	01-26-2007
INSPECTOR NAME	WARREN OSTROFSKY	01-26-2007
Case Inspections Text	Property failed reinspection per inspector Warren OStrofsky. February 12, 2007 9:22:04 AM danilxg	02-12-2007
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. June 12, 2007 10:19:35 AM danilxg	06-12-2007
Case Board Meetings	STIP:Compliance by 6/9/07 or a fine of \$100.00/day ordered per Special Magistrate Mark Berman. April 13, 2007 9:13:51 AM danilxg	07-09-2008
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. October 9, 2007 8:00:12 PM danilxg	04-29-2010
Case Board Meetings	The final order was Amended. Extension granted until October 5, 2007.	01-07-2011
Case Board Meetings	Fine confirmed by Special Magistrate Gordon Linn at the 2010 Special Magistrate hearing.\$100.00 administrative May 12, 2010 11:50:31 AM DANITXT sm Fine confirmed per Special Magistrate Gordon Linn at the May 6, 4/3/08 hearing. April 11, 2008 9:56:00 AM daniszp fee is assessed.	01-13-2011
Case Inspections Text	Property is in compliance per inspector Warren Ostrofsky. Fines ran from 10/5/07 to 7/9/08 at a rate of \$100.00 per day totaling \$27,800.00 July 9, 2008 3:14:42 PM danilxg Property failed reinspection on 1.12.11 per Inspector Warren Ostrofsky. January 13, 2011 10:37:57 AM DANITXT.	01-13-2011
Case Inspections Text	LIEN RERECORDED 90 DAYS SEND TO TITLE SEARCH	04-11-2011
Case Inspections Text	pending being sent to title search July 21, 2011 8:41:55 AM danitxt.	07-21-2011
Case Inspections Text	Sent to Title search for authorization to foreclose. August 4, 2011 11:45:06 AM danitxt.	08-04-2011
Case Board Meetings	Authorization to foreclose granted by Special Magistrate Gordon Linn at the November 3, 2011 hearing. November 8, 2011 8:17:39 PM daninxl.	11-08-2011

Case Inspections Text	Received settlement of \$3,800 from Tim Ryan's office dated 6/13/14. Schedule for Commission Abatement Hearing on 9/3/14. />LW 6/18/14	06-18-2014
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### Case Activity Comments

INITIAL - INITIAL INSPECTION	01-23-2007
HISTORICAL - DMS Violation Letter	01-26-2007
REINSPECTION - REINSPECTION	02-09-2007
HISTORICAL - DMS Affidavit of Service	03-26-2007
POST HEARING - POST BOARD	06-09-2007
HISTORICAL - DMS Affidavit of Service	07-26-2007
REINSPECTION - REINSPECTION	10-05-2007
HISTORICAL - DMS Affidavit of Service	03-21-2008
FORECLOSURE - FORECLOSURE REINSPECTION	07-02-2008
F-TITLE SEARCH - TITLE SEARCH	12-21-2009
FORECLOSURE - FORECLOSURE REINSPECTION	01-10-2011
REINSPECTION - REINSPECTION	07-12-2011
F-TITLE SEARCH - TITLE SEARCH	08-04-2011

### Case Violations

1	CE008021127001 - DBCC 8-21(a)(2)(g) Window/Door Maint./ Equip.	DBCC 8-21(a)(2)(g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair and all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	ACTIVE	01/23/2007
2	CE008021127002 - DBCC 8-21(a)(2)(g) Windows must fully operate	DBCC 8-21(a)(2)(g) states all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	ACTIVE	01/23/2007
3	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	01/23/2007
4	CE008021151201 - DBCC 8-21(a)(5)(a)(2) Paint Maintenance	DBCC 8-21(a)(5)(a)(2) states all surfaces requiring painting or which are otherwise protected from the elements shall be kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.	ACTIVE	01/23/2007
5	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	01/23/2007

6	CE008021154001 - DBCC 8-21(a)(5)(d) Vegetative Material Required	DBCC 8-21(a)(5)(d) states live vegetative material shall provide complete coverage of the entire yard area exposed to public view, and its height shall conform with all applicable city ordinances.	ACTIVE	01/23/2007
7	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	01/23/2007
8	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	01/23/2007
9	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	01/23/2007

Case Number: 08-0566

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
03-27-2008

Status: Active  
Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
141 NW 4 AVE

Folio Number:

Cited Party:  
WILCOX, MICHELLE B &  
DARRYL

Note Type

Case Notes

Date

INSPECTOR NAME	WARREN OSTROFSKY	03-27-2008
Case Narrative	VIO LETTER: 8-21A4E; 8-21A4F; 8-21A5A1; 28-4.20A; FBC 105.1	04-01-2008
Case Inspections Text	Extension granted until 5/8/08 per inspector Warren Ostrofsky. April 25, 2008 10:31:29 AM danilxg	04-25-2008
Case Inspections Text	Extension granted from 5/16/08 until 5/21/08 per insp. Ostrofsky May 19, 2008 4:13:03 PM danihxc	05-19-2008
Case Inspections Text	Extension granted until 6/20/08 per inspector Warren Ostrofsky. May 22, 2008 10:39:18 AM danilxg	05-22-2008
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. June 24, 2008 12:19:41 PM danilxg	06-24-2008
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky, November 18, 2008 12:01:25 PM danilxg	11-18-2008
Case Other Actions	Sent for Title Search	11-24-2008
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft at the March 5, 2009 hearing. March 25, 2009 10:48:13 AM daniszp	03-25-2009
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. June 9, 2009 10:34:01 AM danilxg	06-09-2009
Case Board Meetings	Stipulated agreement. Compliance by November 15, 2008 or \$150.00 per day fine as ordered by Special Magistrate Mitch Kraft at the August 7, 2008 hearing. September 4, 2008 9:46:57 AM daniszp	09-02-2009
Case Board Meetings	Authorization to foreclose granted per Special Magistrate Mitch Kraft at the September 3, 2009 hearing. September 17, 2009 8:45:07 AM daniszp	05-31-2011
Case Inspections Text	Received settlement of \$3,800 from Tim Ryan's office dated 6/13/14. Schedule for Commission Abatement Hearing on 9/3/14. />LW 6/18/14	06-18-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	03-27-2008
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HISTORICAL - DMS Violation Letter	04-01-2008
REINSPECTION - REINSPECTION	04-15-2008
REINSPECTION - REINSPECTION	05-08-2008
REINSPECTION - REINSPECTION	05-21-2008
REINSPECTION - REINSPECTION	06-20-2008
POST HEARING - POST BOARD	11-15-2008
F-TITLE SEARCH - TITLE SEARCH	11-24-2008
FORECLOSURE - FORECLOSURE REINSPECTION	06-05-2009
HISTORICAL - DMS Affidavit of Service	08-20-2009

### Case Violations

1	CE008021145001 - DBCC 8-21(a)(4)(e) Electrical Condition	DBCC 8-21(a)(4)(e) requires all electrical wiring and accessories to be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition.	ACTIVE	04/01/2008
2	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	04/01/2008
3	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	04/01/2008
4	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	04/01/2008
5	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	04/01/2008

Case Number: 10-0796

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
06-08-2010

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
141 NW 4 AVE

Folio Number:

Cited Party:  
MICHELLE B & DARRYL  
WILCOX

Note Type

Case Notes

Date

INSPECTOR NAME	TUCHETTE TORRES	06-08-2010
INSPECTOR NAME	WARREN OSTROFSKY	06-08-2010
Case Narrative	Vio.Let. - 8-21a4a; 8-21a5a1	06-15-2010
Case Inspections Text	Property failed reinspection on 7.19.10 per Inspector Warren Ostrofsky. July 20, 2010 9:53:40 AM DANITXT.	07-20-2010
Case Board Meetings	Compliance by October 12, 2010 or \$200.00 per day fine per Special Magistrate Mitch Kraft at the September 2, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. September 7, 2010 12:54:41 PM DANITXT.	10-12-2010
Case Inspections Text	Property failed reinspection on 10.13.10 per Inspector Warren Ostrofsky. October 13, 2010 4:34:51 PM DANITXT.	10-13-2010
Case Board Meetings	Fine confirmed per Special Magistrate Richard Conner at the May 5, 2011 Special Magistrate hearing. May 12, 2011 12:38:50 PM DANITXT.	05-12-2011
Case Inspections Text	Property failed reinspection on 9.2.11 per Inspector Warren Ostrofsky. September 6, 2011 1:54:39 PM danitxt.	09-06-2011
Case Inspections Text	Title search returned - will be set for hearing to authorize foreclosure. January 5, 2012 12:41:23 PM daninxl.	01-10-2012
Case Board Meetings	At the hearing on 2/2/12, the following was ordered by Special Magistrate Gordon Linn: Authorization to foreclose granted. February 25, 2012 12:38:13 PM daninxl.	02-25-2012
Case Inspections Text	Received settlement of \$3,800 from Tim Ryan's office dated 6/13/14. Schedule for Commission Abatement Hearing on 9/3/14. />LW 6/18/14	06-18-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	06-08-2010
HISTORICAL - DMS Violation Letter	06-15-2010
REINSPECTION - REINSPECTION	07-15-2010



HISTORICAL - DMS Affidavit of Service	08-17-2010
POST HEARING - POST BOARD	10-13-2010
F-TITLE SEARCH - TITLE SEARCH	01-06-2011
FORECLOSURE - FORECLOSURE REINSPECTION	09-01-2011
F-TITLE SEARCH - TITLE SEARCH	11-28-2011
HISTORICAL - DMS Affidavit of Service	01-23-2012

### 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	06/08/2010
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	06/08/2010

# City of Dania Beach

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

OWNER: WILCOX, MICHELLE B. & DARRYL  
 FOLIO: 0234-01-1180  
 LEGAL: TOWN OF DANIA B-49 D LOT 4 BLK 8  
 ADDRESS: 141 NW 4 AVENUE

CODE ENFORCEMENT ORDER LIEN							CEB 07-0181			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total	47126	97-103	6/7/2010						
10/5/2007	7/9/2008	\$100.00	278	\$27,800.00	\$258.00	\$28,058.00	47846	407- 414	4/13/2011	50882	1826	6/24/2014			

PROPERTY COMPLIED 7/9/2008

## 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
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			<b>258.00</b>

# City of Dania Beach

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

OWNER: WILCOX, MICHELLE B & DARRYL  
 FOLIO: 0234-01-1180  
 LEGAL: TOWN OF DANIA B-49 D LOT 4 BLK 8  
 ADDRESS: 141 SW 4 AVENUE

CODE ENFORCEMENT ORDER LIEN							CEB 08-0566			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
11/15/2008	6/24/2014	\$150.00	2,047	\$307,050.00	\$141.00	\$307,191.00	46115	195-200	4/7/2009	50882	1826	6/24/2014			

REVISED 7/16/2014  
 Cherrie-Ann Browne  
 Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES			
1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	25.50
2	PAGES	SUPPLEMENTAL ORDER	17.00
1	PAGES	RELEASE OF LIEN	18.50
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
			141.00

# City of Dania Beach

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

OWNER: WILCOX, DARRYL & MICHELLE B.  
 FOLIO: 0234-01-1180  
 LEGAL: TOWN OF MODELO (DANIA) B-49 D LOT 4 BLK 8  
 ADDRESS: 141 NW 4 AVENUE

CODE ENFORCEMENT ORDER LIEN							CEB 10-0796		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE		
Date	Date	Amount	Days	FINE	Fee	Total								
10/12/2010	6/24/2014	\$200.00	1,351	\$270,200.00	\$254.00	\$270,454.00	47947	1386-1391	6/1/2011	50882	1826	6/24/2014		

REVISED 7/16/2014  
 CORI MAYO  
 Accts. Receivable & Liens

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
			<b>254.00</b>