

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: James Nanan,
Case #07-0942 and Case #09-2306, 129 NW 14 Way

Summary Explanation & Background:

Case #07-0942: This case was originally cited on 4/17/07 for 8 violations and was given 14 days to comply. This went to the Special Magistrate on 7/9/07 for 8 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 8/9/07 to comply or a fine of \$150.00 per day would be levied. At the 7/9/09 hearing Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 8/9/07 through 5/6/14, 2,462 days @ \$150.00 per day = \$369,300.00 plus admin fees of \$149.50 for a total of \$369,449.50

Case #09-2306: The case was originally cited on 12/21/09 for 10 violations and was given 30 days to comply. This went to the Special Magistrate on 3/4/10 for 3 violations. Special Magistrate Mitchell Kraft issued an order giving the respondent until 4/13/10 to comply or a fine of \$150.00 per day would be levied. At the 12/2/10 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 4/13/10 through 5/6/14, 1,484 days @ \$150.00 per day = \$222,600.00 plus admin fees of \$262.50 for a total of \$222,862.50.

The City received \$4,000.00 as settlement for both 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 \$4,000.00 as settlement for both code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 07-0942

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
04-17-2007

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
129 NW 14 WAY

Folio Number:

Cited Party:
NANAN,JAMES

Note Type

Case Notes

Date

Case Narrative	Vio letter-8-21(a)(2)(g); 8-21(a)(4)(a); 8-21(a)(5) (a)(2); 8-21(a)(5)(d); 13-34(a); 13-34(b); 15-1; 22-1	04-17-2007
INSPECTOR NAME	WARREN OSTROFSKY	04-17-2007
Case Inspections Text	14 day extension granted per Insp Ostrofsky May 7, 2007 10:45:12 AM DANIXR	05-07-2007
Case Inspections Text	Extension granted until 5/31/07 per inspector Warren Ostrofsky. May 17, 2007 8:30:06 AM danilxg	05-17-2007
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. June 1, 2007 10:33:22 AM danilxg	06-01-2007
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. August 10, 2007 10:18:46 AM danilxg	02-06-2009
Case Other Actions	Sent to Tim Ryan's for title search. February 25, 2009 4:01:31 PM danihxc	02-25-2009
Case Board Meetings	Stipulation approved. Comply by 8/09/07 or \$150 per day fine.	07-08-2009
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman. July 22, 2009 4:01:39 PM danilxg	07-22-2009
Case Inspections Text	Property failed reinspection per Inspector Warren Ostrofsky. October 16, 2009 11:26:05 AM DANITXT	06-01-2011
Case Narrative	Received settlement from Tim Ryan's office 7/2/14 for this case and 09-2306 for \$4,000.00. Send to Commission Abatement Hearing of 9/3/14 LW 7/16/14	07-16-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	04-13-2007
HISTORICAL - DMS Violation Letter	04-17-2007
REINSPECTION - REINSPECTION	05-15-2007
REINSPECTION - REINSPECTION	05-31-2007

HISTORICAL - DMS Affidavit of Service	06-25-2007
POST HEARING - POST BOARD	08-09-2007
F-TITLE SEARCH - TITLE SEARCH	02-25-2009
HISTORICAL - DMS Affidavit of Service	06-25-2009
FORECLOSURE - FORECLOSURE REINSPECTION	10-09-2009
F-TITLE SEARCH - TITLE SEARCH	12-21-2009

Case Violations

1	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	04/17/2007
2	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	04/17/2007
3	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	04/17/2007
4	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	04/17/2007
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	04/17/2007
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	04/17/2007
7	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	04/17/2007
8	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	04/17/2007

Case Number: 09-2306

Case Type:
Notice of ViolationCase Description:
MINIMUM STANDARDSCase Start Date:
12-17-2009Status:
Active

Status Date:

Default Inspector:
HISTORICAL CE
INSPECTORCited Address:
129 NW 14 WAY

Folio Number:

Cited Party:
JAMES NANAN

Note Type

Case Notes

Date

INSPECTOR NAME	MICHAEL RINALDI	12-17-2009
INSPECTOR NAME	NICHOLAS LUPO	12-17-2009
INSPECTOR NAME	TUCHETTE TORRES	12-17-2009
INSPECTOR NAME	WARREN OSTROFSKY	12-17-2009
Case Narrative	Vio.Let. - 8-21a5a1; 8-21a5a2; 13-34a; 13-34c; 14-2a; 15-1; 22-1; 33-211; 33-40(10); 25-126(b)	12-21-2009
Case Inspections Text	Property failed reinspection on 1.28.10 per Inspector Mike Rinaldi. January 28, 2010 4:09:44 PM DANITXT	01-28-2010
Case Inspections Text	Property failed reinspection on 4.26.10 per Inspector Mike Rinaldi. April 27, 2010 3:19:08 PM DANITXT	10-06-2010
Case Board Meetings	Case continued to the December 2, 2010 Special Magistrate hearing per Special Magistrate Gordon Linn at the November 4, 2010 Special Magistrate hearing. November 5, 2010 10:02:06 AM DANITXT.	11-05-2010
Case Inspections Text	CHECK TO SEE IF PROPERTY IN COMPLIANCE, LET TUCHETTE KNOW SO SHE CAN REOCRDLIEN IF NOT IN COMPLIANCE	12-09-2010
Case Board Meetings	Charges # 1,2,3,4,6,7 & 8 dismissed. Compliance by April 13, 2010 or \$150.00 per day fine in regards to charges # 5,9 & 10. perSpecial Magistrate Mitch Kraft at the March 4, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. March 15, 2010 1:07:05 PM DANITXT	12-10-2010
Case Board Meetings	Fine confirmed. Hold on recording lien per Special Magistrate Mark Berman at the December 2, 2010 Special Magistrate hearing. December 9, 2010 9:44:28 AM DANITXT.	05-12-2011
Case Inspections Text	Property failed 2.2.11 per Inspector Warren Ostrofsky. lien will be recorded. Gave ppwk to City clerk. February 10, 2011 4:43:17 PM DANITXT. Property failed reinspection on 5.11.11 per Inspector Warren Ostrofsky. May 12, 2011 9:59:28 AM DANITXT.	05-12-2011
Case Inspections Text		06-09-2011

Case Inspections Text	Per Victoria(Tim Ryan's) office, there is a pending foreclosure. Will continue to monitor. June 9, 2011 2:54:35 PM DANITXT. Continue to hold pending foreclosure case. December 5, 2011 5:25:17 PM daninxl. Check on status of foreclosure.	12-05-2011
Case Board Meetings	Per Insp, Osrofsky :Case complied 5/6/14. Patti from Principal Realty will be contacting Tim Ryan's office regarding a settlement, />LW 5/7/14	05-07-2014
Case Narrative	Received settlement from Tim Ryan's office 7/2/14 for this case and for 07-0942 for \$4,000.00. Send to Commission Abatement Hearing on 9/3/14 />LW 7/16/14	07-16-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	12-17-2009
HISTORICAL - DMS Violation Letter	12-21-2009
REINSPECTION - REINSPECTION	01-20-2010
HISTORICAL - DMS Affidavit of Service	02-18-2010
POST HEARING - POST BOARD	04-13-2010
F-TITLE SEARCH - TITLE SEARCH	06-30-2010
REINSPECTION - REINSPECTION	01-03-2011
FORECLOSURE - FORECLOSURE REINSPECTION	05-11-2011
F-TITLE SEARCH - TITLE SEARCH	05-16-2011
F-FOLLOW UP - UPDATE	06-09-2011
F-FOLLOW UP - UPDATE	09-09-2011
F-FOLLOW UP - UPDATE	02-01-2012

Case Violations

1	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	12/17/2009
2	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	12/17/2009
3	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	12/17/2009

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	12/17/2009
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	12/17/2009
6	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	12/17/2009
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	12/17/2009
8	CE025126002001 - DBCC 25-126 (b) Movable Condition	DBCC 25-126(b) states all vehicles permitted on the subject property shall be parked or stored with all wheels and tires mounted and inflated and shall be maintained in a movable condition. Said vehicle, boat or utility trailer shall not be supported to any degree by concrete blocks, jacks or any other means of support.	ACTIVE	12/17/2009
9	CE033040010001 - DBCC 33-40 (10) Unsightly Boat	DBCC 33-40(10) states no boat or watercraft of any kind which is found to be of unsightly appearance or in badly deteriorated condition or which is likely to cause damage to private or public property or which may be a menace to navigation, shall be permitted to moor or tie up in any waterways within the city except that boats or watercraft of unsightly appearance or in badly deteriorated condition may moor at licensed marine facilities for the purpose of repair.	ACTIVE	12/17/2009
10	CE033211000001 - DBCC 33-211 Parking Surface	DBCC 33-211 states all areas reserved for off street parking shall be hard surfaced in accordance with the specifications of the city.	ACTIVE	12/17/2009

City of Dania Beach

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

OWNER: NANAN,JAMES
 FOLIO: 0233-12-0080
 LEGAL: WEST MOORLAND AMD 33-43 B LOT 8 BLK 1
 ADDRESS: 129 NW 14 WAY

CODE ENFORCEMENT ORDER LIEN							CEB 07-0942		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE		
Date	Date	Amount	Days	FINE	Fee	Total								
8/9/2007	5/6/2014	\$150.00	2,462	\$369,300.00	\$149.50	\$369,449.50	46580	1976-1982	10/9/2009	50918	53	7/8/2014		

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	34.00
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
			149.50

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 Dania Beach, FL 33004
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OWNER: NANAN, JAMES
 FOLIO: 0233-12-0080
 LEGAL: WEST MOORLAND AMD 33-43 B LOT 8 BLK 1
 ADDRESS: 129 NW 14 WAY

CODE ENFORCEMENT ORDER LIEN							CEB 09-2306.			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
4/13/2010	5/6/2014	\$150.00	1,484	\$222,600.00	\$262.50	\$222,862.50	47713	1605-1610	2/11/2011	50918	53	7/8/2014			

CASE COMPLIED 5/6/2014

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
3	PAGES	SUPPLEMENTAL ORDER	25.50
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
			262.50