

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: Teekoy Properties LLC Case #09-0329 and Case #10-0101, 4764 SW 34 Terrace

Summary Explanation & Background:

Case #09-0329: This case was originally cited on 2/20/09 for 2 violations and was given 30 days to comply. This went to the Special Magistrate on 5/7/09 for 2 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 6/16/09 to comply or a fine of \$75.00 per day would be levied. At the 11/5/09 hearing Special Magistrate Gordon Linn confirmed the fine as a lien. The property complied on 1/29/10. The fines ran from 7/15/03 through 1/29/10, 563 days @ \$150.00 per day = \$84,450.00 plus admin fees of \$249.50 for a total of \$84,699.50.

Case #10-0101: The case was originally cited on 2/1/10 for 8 violations and was given 30 days to comply. This went to the Special Magistrate on 5/6/10 for 8 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 7/15/10 to comply or a fine of \$225.00 per day would be levied. At the 4/7/11 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 7/15/10 through 4/29/14, 1,384 days @ \$225.00 per day = \$311,400.00 plus admin fees of \$262.50 for a total of \$311,662.50.

The City received \$6,000.00 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 \$6,000.00 as settlement for both code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 09-0329

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
02-12-2009

Status: Active
Status Date:

Default Inspector:
Gary Phaneuf

Cited Address:
4764 SW 34 TER

Folio Number:

Cited Party:
4764 SW 34TH TER LAND TR

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	02-12-2009
INSPECTOR NAME	TUCHETTE TORRES	02-12-2009
Case Narrative	Vio.Let. - 13-74c; 15-1	02-20-2009
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. March 24, 2009 10:01:52 AM danilxg	03-24-2009
Case Board Meetings	Compliance by June 16, 2009 or \$75.00 per day fine per Special Magistrate Gordon Linn at the May 7, 2009 hearing. May 22, 2009 2:16:50 PM daniszp	05-22-2009
Case Inspections Text	Property failed reinspection per inspector Gary Phaneuf. June 29, 2009 9:19:52 AM danilxg	06-29-2009
Case Board Meetings	Fine confirmed day fine per Special Magistrate Gordon Linn at November 5, 2009 hearing. \$100.00 administrative fee is assessed. November 9, 2009 4:04:46 PM DANITXT	12-11-2009
Case Inspections Text	Property passed reinspection on 1.29.10 and is in compliance per Inspector Gary Phaneuf. The \$100.00 administrative fee has not been paid and there are fines. February 9, 2010 11:59:17 AM DANITXT	04-29-2010
Case Inspections Text	\$100 admin fee not paid. April 29, 2010 11:50:46 AM DANITXT	06-01-2011
Case Narrative	Received settlement offer of \$6,000.00 on 7/11/14 from Tim Ryan's office to settle this case and case 10-0101. Send to Commission Abatement Hearing of 9/3/14 LW 7/17/14	07-17-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	02-13-2009
HISTORICAL - DMS Violation Letter	02-20-2009
REINSPECTION - REINSPECTION	03-22-2009
HISTORICAL - DMS Affidavit of Service	04-22-2009

POST HEARING - POST BOARD	06-16-2009
F-TITLE SEARCH - TITLE SEARCH	09-01-2009
HISTORICAL - DMS Affidavit of Service	10-24-2009
REINSPECTION - REINSPECTION	01-29-2010
F-PAYMENT VERIFY - PAYMENT RCVD/VERIFICATION	04-29-2010

Case Violations

1	CE013074003002 - DBCC 13-74(c) Garbage/Trash receptacles in R/W	DBCC 13-74(c) states all garbage carts and all other receptacles shall be removed from the right of way and from the front yard no later than dusk of the day of collection.	ACTIVE	02/13/2009
2	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	02/13/2009

Case Number: 10-0101

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
01-29-2010

Status: Active
Status Date:

Default Inspector:
HISTORICAL CE
INSPECTOR

Cited Address:
4764 SW 34 TER

Folio Number:

Cited Party:
4764 SW 34TH TER LAND TR

Note Type

Case Notes

Date

INSPECTOR NAME	MICHAEL RINALDI	01-29-2010
INSPECTOR NAME	NICHOLAS LUPO	01-29-2010
INSPECTOR NAME	TUCHETTE TORRES	01-29-2010
Case Narrative	Vio.Let. - 8-21a2g win/door; 8-21a2g window equip; 8-21a4e; 8-21a5a1; 13-34a; 13-34b; 13-34c; 33-40(13)b	02-01-2010
Case Inspections Text	Property failed reinspection on 3.15.10 per Inspector Mike Rinaldi. March 17, 2010 10:31:03 AM DANITXT	03-17-2010
Case Inspections Text	Property failed reinspection on 7.30.10 per Supervisor Nick Lupo. August 5, 2010 11:48:42 AM DANITXT.	08-05-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the April 7, 2011 Special Magistrate hearing. April 13, 2011 9:18:49 AM DANITXT.	04-13-2011
Case Board Meetings	Compliance by July 15, 2010 or \$225.00 per day fine per Special Magistrate Gordon Linn at the May 6, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. May 12, 2010 10:49:59 AM DANITXT	04-14-2011
Case Inspections Text	Property failed reinspection on 8.30.11 per Supervisor Nick Lupo. September 28, 2011 10:20:16 AM danitxt.	09-28-2011
Case Inspections Text	Title search returned - property is pending bank foreclosure and the case can not move forward at this time. This status will be monitored. January 5, 2012 2:56:08 PM daninxl. Check on foreclosure status	01-05-2012
Case Inspections Text	Per Insp. Ostrofsky; property was reinspected 6/6/14 at the request of Tim Ryan's office for settlement purposes. Property is still in violation and only Violation #6 & #7 have complied LW 6/6/14	06-06-2014
Case Narrative	Received settlement offer of \$6,000.00 on 7/11/14 from Tim Ryan's office to settle this case and case 09-0329Send to Commission Abatement Hearing of 9/3/14 LW 7/17/14	07-17-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	01-29-2010
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HISTORICAL - DMS Violation Letter	02-01-2010
REINSPECTION - REINSPECTION	03-03-2010
HISTORICAL - DMS Affidavit of Service	04-22-2010
POST HEARING - POST BOARD	07-15-2010
F-TITLE SEARCH - TITLE SEARCH	01-06-2011
HISTORICAL - DMS Affidavit of Service	03-23-2011
FORECLOSURE - FORECLOSURE REINSPECTION	07-18-2011
F-TITLE SEARCH - TITLE SEARCH	11-28-2011
F-FOLLOW UP - UPDATE	04-05-2012

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	01/29/2010
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	01/29/2010
3	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	01/29/2010
4	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	01/29/2010
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	01/29/2010
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	01/29/2010
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	01/29/2010
8	CE033040013201 - DBCC 33-40(13)(b) Unsafe Dock	DBCC 33-40(13)(b) prohibits all docks and mooring structures within the jurisdiction of the city from being in an unsafe or unsatisfactory condition.	ACTIVE	01/29/2010

City of Dania Beach

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

OWNER: 4764 SW 34TH TER LAND TR
 TEEKOY PROPERTIES LLC TRSTEE
FOLIO: 0230-04-0040
LEGAL: DAVIS ISLES 29-19 B LOT 4 BLK 1
ADDRESS: 4764 SW 34 TERRACE

CODE ENFORCEMENT ORDER LIEN						CEB 09-0329		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
7/15/2008	1/29/2010	\$150.00	563	\$84,450.00	\$249.50	\$84,699.50	46765	1275-1281	12/30/2009	50946	640	7/18/2014	

REVISED 7/23/2014
Cherrie-Ann Browne
Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES			
1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	25.50
3	PAGES	SUPPLEMENTAL ORDER	25.50
1	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
			249.50

City of Dania Beach

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

OWNER: 4764 SW 34 TER LAND TR TEEKOY PROPERTIES LLC TRSTEE
FOLIO: 0230-04-0040
LEGAL: DAVIS ISLES 29-19 B LOT 4 BLK 1
ADDRESS: 4764 SW 34 TERRACE

CODE ENFORCEMENT ORDER LIEN						CEB 10-0101	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
7/15/2010	4/29/2014	\$225.00	1,384	\$311,400.00	\$262.50	\$311,662.50	47868	1168-1174	4/22/2011	50946	640	7/18/2014

REVISED 7/23/2014
CORI MAYO
Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES			
1	PAGES	CERTIFIED COPY COVER	10.00
2	PAGES	FINAL ORDER	23.50
4	PAGES	SUPPLEMENTAL ORDER	34.00
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
			262.50