

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: March 4, 2015

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: New Horizon Counseling Center, 109 NW 6 Avenue, Case No. 09-2168.

Summary Explanation & Background:

Case #09-2168

This was originally cited on 11/30/09 for 8 violations, and was given 15 days to comply. This went to the Special Magistrate on 4/8/10 for 8 violations. Special Magistrate Mark Berman issued an order giving the respondent until 6/17/14 to comply or a fine of \$150.00 per day would be levied. At the 8/5/10 hearing, Special Magistrate granted an extension to 9/14/10. At the 3/3/11 hearing, Special Magistrate Gordon confirmed the fine as a lien. There is also a Public Services lien for nuisance abatement was made part of this settlement in the amount of \$1,177.98. The settlement was accepted on 10/8/14. The fines ran from 6/17/10 through 10/14/14, 1,580 days @ \$150.00 per day = \$237,000.00 plus admin fees of \$296.50 for a total of \$237,296.50.

This is a motion to accept the settlement offer received by the City due to sale of the property. The City received \$4,677.98 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:

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Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 09-2168

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
11-23-2009

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
109 NW 6 AVE

Folio Number:

Cited Party:
NEW HORIZON COUNSELING

Note Type

Case Notes

Date

INSPECTOR NAME	TUCHETTE TORRES	11-23-2009
INSPECTOR NAME	WARREN OSTROFSKY	11-23-2009
Case Narrative	Vio.Let. - 8-21a4d; 8-21a4e; 8-21a5a2; 8-21a5d; 13-34a; 15-1; 28-4.20a; FBC 105.1	11-30-2009
Case Inspections Text	Extension granted on 12.14.09 until 1.4.10 per Inspector Warren Ostrofsky. December 15, 2009 9:27:05 AM DANITXT	12-15-2009
Case Inspections Text	Extension granted on 1.4.10 until 1.25.10 per Inspectot Warren Ostrofsky. January 5, 2010 12:28:18 PM DANITXT	01-05-2010
Case Inspections Text	Extension granted on 1.25.10 until 2.15.10 per Inspector Warren Ostrofsky. January 25, 2010 4:09:16 PM DANITXT	01-25-2010
Case Inspections Text	Property failed reinspection on 2.16.10 per Inspector Warren Ostrofsky. February 18, 2010 1:36:26 PM DANITXT	02-18-2010
Case Inspections Text	Property failed reinspection on 6.17.10 per Inspector Warren Ostrosky. June 17, 2010 3:16:52 PM DANITXT. Received an extension request. Case will be put on August hearing. June 18, 2010 8:56:48 AM DANITXT.	06-18-2010
Case Board Meetings	Stipulated agreement. Compliance by June 17, 2010 or \$150.00 per day fine per Special Magistrate Mark Berman at the April 8,2010 Special Magistrate hearing. \$100.00 administrative fee is assesed. April 13, 2010 12:30:36 PM DANITXT	09-14-2010
Case Inspections Text	Property failed reinspection on 9.14.10 per Inspector Warren Ostrofsky. \$100 admin fee still owed. September 14, 2010 3:57:20 PM DANITXT.	09-14-2010
Case Board Meetings	Extension granted to September 14, 2010 per Special Magistrate Gordon Linn at the August 5, 2010 Special Magistrate hearing.	01-19-2011
Case Inspections Text	Property failed reinspection on 3.24.11 per Inspector Warren Ostrofsky. March 29, 2011 12:26:15 PM DANITXT.	03-29-2011
Case Board Meetings	Fine confirmed per Special Magistrate Gordon Linn at the March 3, 2011 Special Magistrate hearing. Authorization to abate nuisances by cutting the overgrowth, cleaning the trash and debris, and boarding up the rear window on the property after March 23, 2011 granted in the interest of public health and safety. March 9, 2011 12:20:22 PM DANITXT.	04-01-2011
Case Inspections Text	Sent to title search-pending response. August 24, 2011 12:53:46 PM danitxt.	08-24-2011

Case Inspections Text	Property failed foreclosure reinspection on 6/27/11 per Inspector Warren Ostrofsky. June 28, 2011 8:45:21 AM DANISGA.	09-01-2011
Case Board Meetings	Authorization to foreclose granted per Special Magistrate Mark Berman at the October 6, 2011 Special Magistrate. October 13, 2011 10:56:24 AM danitxt.	10-24-2011
Case Narrative	Per Tim Ryan's office, settlement accepted for this case and the PS lien on this case for \$4,677.98 on 10/14/14. Send to Commission Abatement Hearing on 3/4/15 LW 11/25/14	11-25-2014

Case Activity Comments

INITIAL - INITIAL INSPECTION	11-23-2009
HISTORICAL - DMS Violation Letter	11-30-2009
REINSPECTION - REINSPECTION	12-14-2009
REINSPECTION - REINSPECTION	01-04-2010
REINSPECTION - REINSPECTION	01-25-2010
REINSPECTION - REINSPECTION	02-15-2010
POST HEARING - POST BOARD	06-17-2010
POST HEARING - POST BOARD	09-14-2010
F-TITLE SEARCH - TITLE SEARCH	12-22-2010
NUISANCE ABATE - NUISANCE ABATEMENT REINSPECT	03-24-2011
FORECLOSURE - FORECLOSURE REINSPECTION	06-27-2011
F-TITLE SEARCH - TITLE SEARCH	08-24-2011

Case Violations

1	CE008021144001 - DBCC 8-21(a)(4)(d) Plumbing Condition	DBCC 8-21(a)(4)(d) requires every plumbing fixture, water pipe, drain, waste pipe, and gas pipe to be maintained in good, sanitary working condition, and free from defects, leaks and obstructions.	ACTIVE	11/23/2009
2	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	11/23/2009
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	11/23/2009
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	11/23/2009

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	11/23/2009
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	11/23/2009
7	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	11/23/2009
8	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	11/23/2009

City of Dania Beach

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

OWNER: NEW HORIZON COUNSELING CENTER INC
FOLIO: 0234-01-0890
LEGAL: TOWN OF MODELO (DANIA) B-49 D LOT 20 BLK 6
ADDRESS: 109 NW 6 AVENUE

CODE ENFORCEMENT ORDER LIEN						CEB .09-2168		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
6/17/2010	10/14/2014	\$150.00	1,580	\$237,000.00	\$296.50	\$237,296.50	47819	1353-1363	4/1/2011	51260	491	11/20/2014	

Settlement offer accepted 10/14/14

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
7	PAGES	FINAL ORDER	66.00
3	PAGES	SUPPLEMENTAL ORDER	25.50
2	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
			296.50

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NUISANCE ABATEMENT LIEN						CASE # .09-2168			RECORDED			RELEASED		
Interest	Through	Lien	# of	Interest		Interest	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE
Start	Date	Amount	Days	Amount	Per Diem	Amount	Fee	Total						
3/30/2011	10/14/2014	\$753.99	1,294	0.00032900	\$0.248063	\$320.99	\$103.00	\$1,177.98	47819	1327	4/1/2011	51260	491	11/20/2014

Settlement accepted 10/14/14

ESTIMATED COST OF RECORDING FEES

1	PAGE(S) CLAIM OF LIEN	16.50
	ADM. FEE RECORDING LIEN	40.00
1	PAGE(S) RELEASE OF LIEN	16.50
	ADM. FEE RECORDING RELEASE	30.00
		<u>103.00</u>