

# 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 N & D Holding Inc., 4800-4822 SW 28 Terrace, Case #2013-0143

**Summary Explanation & Background:**

This was originally cited on 2/4/13 for 5 violations, and was given 30 days to comply. This went to the Special Magistrate on 6/6/13 for 5 violations. Special Magistrate Mark Berman issued an order giving the respondent until 7/16/13 to comply or a fine of \$200.00 per day would be levied. At the 12/12/13 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The property came into compliance on 10/9/14. The case went before the Special Magistrate on 10/9/14 for Authorization to Foreclose. The property was in compliance and the respondent was present so in lieu of granting authorization to foreclose, Special Magistrate Mark Berman offered a recommended abated amount of \$9,000.00 to respondent. This offer was contingent on the submittal of a written request and payment of outstanding administrative fees. The respondent did not follow through with those requirements so therefore, a settlement of \$15,000.00 was reached at a later date. The fines ran from 7/16/13 through 10/9/14, 450 days @ \$200.00 per day = \$90,000.00 plus admin fees of \$304.00 for a total of \$90,304.00.

This is a motion to accept the settlement offer received by the City due to refinancing of other properties owned by respondent. The City received \$15,000.00 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:**

This is a motion to accept the settlement offer received by the City due to refinancing of other properties owned by respondent. The City received \$15,000.00 as settlement for the code case.

**Commission Action:**

**Passed**  **Failed**  **Continued**  **Other**

**Comment:**

\_\_\_\_\_  
**City Manager**

\_\_\_\_\_  
**City Clerk**

Case Number: 2013-00000143

Case Type:  
Notice of Violation

Case Description:  
Initial case

Case Start Date:  
01-16-2013

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
4800 SW 28 TER

Folio Number:  
5042-32-08-0361

Cited Party:  
N & D Holding Inc

Note Type

Case Notes

Date

CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	01-31-2013
CASE INSPECTION NOTES	CASE INSPECTION NOTES	01-31-2013
CASE HEARING NOTES	CASE HEARING NOTES	01-31-2013
CASE ACTIVITY NOTES	NOV approved and mailed on 2/4/13. JC 2/4/13	02-04-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky:&nbsp;&nbsp;&nbsp;Extension granted from 3/5/13 until 4/5/13. JC 3/5/13	03-05-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed reinspection on 4/5/13.&nbsp;&nbsp;&nbsp;Send to next available hearing. KM 4/9/13	04-09-2013
CASE HEARING NOTES	Per Special Magistrate Mark Berman, at the 6/6/13 hearing, the following was ordered: Compliance by July 16, 2013 or \$200.00 per day fine.&nbsp;&nbsp;&nbsp;\$150.00 administrative fee assessed.  KM 6/10/13	06-10-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed post hearing inspeciton on 7/18/13.&nbsp;&nbsp;&nbsp;Send to T/S for confirmation. KM 7/22/13	07-22-2013
CASE ACTIVITY NOTES	Per T/S results received 10/3/2013 send to next available hearing for confirmation of fine. LW 10/4/2013	10-04-2013
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 12/12/13 hearing: Fine confirmed. LW 12/13/13	12-13-2013
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure inspections on 4/7/14. Send to T/S for further action (money judgment or foreclosure)  LW 4/9/14	04-09-2014
CASE INSPECTION NOTES	Per T/S results received from Tim Ryan's office 7/17/14, send to next available hearing for Authorization to Foreclose LW 7/21/14	07-21-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case complied 10/9/14. Case remains open due to fines owed and admin fee of \$150 never paid LW 10/10/14	10-10-2014

CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 10/9/14 hearing, the following was ordered: Abatement recommended to the City Commission of \$9,000.00. Must pay \$150 admin and submit request for abatement prior to being set for abatement hearing with City Commission. Insp. Ostrofsky to contact respondent to advise of such. LW 10/10/14 	10-10-2014
CASE ACTIVITY NOTES	Per Tim Ryan's office: A settlement of \$15,000.00 was received on 2/5/15 for release of lien. Schedule for Commission Abatement Hearing of 3/4/15. LW 2/5/15	02-05-2015

### Case Activity Comments

--	--

### Case Violations

1	CE008022110001 - DBCC 8-22(a) (1) Commercial properties nuisance	DBCC 8-22(a)(1) states the exterior of the buildings and structures shall be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of the occupants, customers, pedestrians and other persons utilizing the premises.		01/16/2013
2	CE008022130001 - DBCC 8-22(a) (3) Commercial property standards	DBCC 8-22(a)(3) states the exterior of every building or structure shall be maintained in a good state of repair and all surfaces shall be kept painted or whitewashed where necessary for purposes of preservation and appearance. All surfaces shall be free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration. Garbage storage receptacles or garbage disposal facilities shall be provided and maintained at every occupied building or structure.		01/16/2013
3	CE008022130002 - DBCC 8-22(a) (3) Commercial Minimum Standards 2	DBCC 8-22(a)(3) states all exterior surfaces of every building or structure shall be maintained free of graffiti, broken glass, loose shingles, crumbling stone or brick, excessive peeling paint and/or any other condition reflective of deterioration or inadequate maintenance.		01/16/2013
4	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.		01/16/2013
5	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.		01/16/2013

# City of Dania Beach

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

**OWNER:** N & D HOLDING INC  
**FOLIO:** 0232-08-0361  
**LEGAL:** JACARANDA HEIGHTS 31-31 B LOT 39 LESS S 20, 40 LESS N 20 BLK 2  
**ADDRESS:** 4800-4822 SW 28 Terrace, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2013-0143			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
7/16/2013	10/9/2014	\$200.00	450	\$90,000.00	\$304.00	\$90,304.00	50442	1240-1245	12/30/2013	112800341	1 of 1	2/10/2015			

CASE COMPLIED 10/9/14

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
2	PAGES	SUPPLEMENTAL ORDER	17.00
2	PAGES	RELEASE OF LIEN	25.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	150.00
			<b>304.00</b>