

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: Sean & Penny Eckhardt, 4741 SW 42 Terrace, Case #08-0099.

Summary Explanation & Background:

Case #08-0099

This was originally cited on 1/10/08 for 13 violations, and was given 30 days to comply. This went to the Special Magistrate on 6/5/08 for 4 violations. Special Magistrate Mark Berman issued an order giving the respondent until 9/13/08 to comply or a fine of \$100.00 per day would be levied. At the 3/3/11 hearing, Special Magistrate Gordon confirmed the fine as a lien. The fines ran from 11/11/2010 through 6/19/14, 1,316 days @ \$100.00 per day = \$131,600.00 plus admin fees of \$347.50 for a total of \$131,937.50.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$2,500.00 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 foreclosure. The City received \$2,500.00 as settlement for the code case.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 08-0099

Case Type:
Notice of ViolationCase Description:
MINIMUM STANDARDSCase Start Date:
01-16-2008Status:
Active

Status Date:

Default Inspector:
HISTORICAL CE
INSPECTORCited Address:
4741 SW 42 TER

Folio Number:

Cited Party:
SEAN ECKHARDT

Note Type

Case Notes

Date

Case Narrative	Vio.Let. - 8-21a2g win/door; 8-21a2g window equip; 8-21a4f; 8-21a5a2; 13-34a; 13-34b; 13-34c; 14-2a; 22-21; 28-4.20a; 28-5.36f; 33-211; FBC 105.1	01-16-2008
INSPECTOR NAME	GARY PHANEUF	01-16-2008
INSPECTOR NAME	MICHAEL RINALDI	01-16-2008
INSPECTOR NAME	TUCHETTE TORRES	01-16-2008
Case Inspections Text	Extension granted until 3/16/08 per inspector Mike Rinaldi. February 15, 2008 2:42:27 PM danilxg	02-15-2008
Case Inspections Text	Extension granted until April 18, 2008 per Insp. Rinaldi. sm	03-19-2008
Case Inspections Text	Property has failed reinspection as of 4/18/08 per Insp. Rinaldi. Pending Special Magistrate hearing. April 18, 2008 3:18:56 PM daniszp	04-18-2008
Case Inspections Text	Post Board inspection	06-16-2008
Case Inspections Text	Property failed reinspection per inspector Mike Rinaldi. September 23, 2008 2:07:48 PM danilxg	09-23-2008
Case Inspections Text	Property failed reinspection per inspector Mike Rinaldi. February 17, 2009 3:31:51 PM danilxg	02-17-2009
Case Board Meetings	Charges #1 & 2 dismissed without prejudice. Compliance by September 13, 2008 or \$100.00 per day fine per Special Magistrate Mark Berman at the June 5, 2008 hearing. June 16, 2008 2:51:13 PM daniszp	04-01-2009
Case Inspections Text	Property failed reinspection per inspector Mike Rinaldi. July 14, 2009 11:41:06 AM danilxg	07-14-2009
Case Other Actions	Sent to Tim Ryan's office for title search. July 24, 2009 9:12:15 AM danihxc	07-24-2009
Case Inspections Text	Property failed reinspection on 12.21.09 per Inspector Mike Rinaldi. December 21, 2009 10:55:28 AM DANITXT	12-31-2009
Case Board Meetings	Extension granted until December 15, 2009 per Special Magistrate Gordon Linn at the November 5, 2009 hearing. November 9, 2009 4:30:31 PM DANITXT	02-03-2010

Case Inspections Text	Property failed reinspection on 6.22.10 per Inspector Mike Rinaldi. June 22, 2010 3:06:02 PM DANITXT.	06-23-2010
Case Inspections Text	Property failed reinspection on 11.17.10 per Inspector Gary Phaneuf. November 18, 2010 2:37:37 PM DANITXT.	03-07-2011
Case Board Meetings	Extension granted until June 12,2010 per Special Magistrate The property was granted an extension until July 11, 2009 The property was granted an extension until February 14, Motion to confirm fine rescinded. Extension granted to November 11, 2010 per Special Magistrate Mitch Kraft at the 2009 per Special Magistrate Mitch Kraft at the November 6, per Special Magistrate Mark Berman at the April 2, 2009 Mitch Kraft at the March 4, 2010 Special Magistrate hearing. March 15, 2010 11:30:26 AM DANITXT hearing. 2008 hearing. September 2, 2010 Special Magistrate hearing. September 7, 2010 2:47:02 PM DANITXT. November 24, 2008 10:43:33 AM daniszp April 9, 2009 2:48:17 PM daniszp	03-08-2011
Case Inspections Text	Property failed reinspection on 6/29/11 per Inspector Gary Phaneuf. July 1, 2011 4:16:25 PM DANISGA.	07-01-2011
Case Board Meetings	Fine confirmed per Special Magistrate Gordon Linn at the March 3, 2011 Special Magistrate hearing. March 9, 2011 12:05:09 PM DANITXT.	08-30-2011
Case Inspections Text	Sent to title search-pending response. August 24, 2011 12:50:08 PM danitxt.	09-07-2011
Case Board Meetings	Authorization to sue for money judgement granted by Special Magistrate Gordon Linn at the November 3, 2011 hearing. November 8, 2011 2:51:20 PM DANISGA.	11-08-2011
Case Narrative	Property changed owners 10/1/2013. It is owned by Federal National Mortgage Assn. New owner will be cited by Insp, White: 11/3/14 - LW	11-03-2014
Case Narrative	Per Tim Ryan's office, accepted \$2,500.00 settlement to release lien on 6/26/14. Send to next commission abatement hearing for settlement acceptance. LW 1/14/15	01-14-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	01-10-2008
HISTORICAL - DMS Violation Letter	01-16-2008
REINSPECTION - REINSPECTION	02-15-2008
REINSPECTION - REINSPECTION	03-16-2008
REINSPECTION - REINSPECTION	04-18-2008
POST HEARING - POST BOARD	09-13-2008
HISTORICAL - DMS Affidavit of Service	10-23-2008
POST HEARING - POST BOARD	02-14-2009
POST HEARING - POST BOARD	07-11-2009
F-TITLE SEARCH - TITLE SEARCH	07-24-2009
HISTORICAL - DMS Affidavit of Service	10-24-2009
POST HEARING - POST BOARD	12-15-2009

F-TITLE SEARCH - TITLE SEARCH	12-31-2009
HISTORICAL - DMS Affidavit of Service	02-17-2010
POST HEARING - POST BOARD	06-12-2010
F-TITLE SEARCH - TITLE SEARCH	06-23-2010
HISTORICAL - DMS Affidavit of Service	08-17-2010
POST HEARING - POST BOARD	11-11-2010
F-TITLE SEARCH - TITLE SEARCH	12-22-2010
FORECLOSURE - FORECLOSURE REINSPECTION	06-27-2011
F-TITLE SEARCH - TITLE SEARCH	08-24-2011
HISTORICAL - DMS Affidavit of Service	10-19-2011

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	01/10/2008
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	01/10/2008
3	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	01/10/2008
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	01/10/2008
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	01/10/2008
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	01/10/2008
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	01/10/2008
8	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	01/10/2008

9	CE022021000001 - DBCC 22-21 Sidewalk Maintenance	DBCC 22-21 states it is the duty of each owner of abutting property to construct or reconstruct, and to maintain and keep in uniform repair sidewalks in front of or abutting upon the property.	ACTIVE	01/10/2008
10	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	01/10/2008
11	CE028005036601 - DBCC 28-5.36 (f) Fence Material	DBCC 28-5.36(f) requires fences or walls to be constructed of masonry materials, wood, chain link, PVC, or other materials approved by the building code.	ACTIVE	01/10/2008
12	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	01/10/2008
13	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	01/10/2008

City of Dania Beach

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

OWNER: SEAN ECKHARDT H/E PENNY ECKHARDT
 FOLIO: 0125-04-0270
 LEGAL: TROPICAL HAVEN 42-5 B LOT 27
 ADDRESS: 4741 SW 42 TERRACE

CODE ENFORCEMENT ORDER LIEN							CEB 08-0099		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE		
Date	Date	Amount	Days	FINE	Fee	Total								
11/11/2010	6/19/2014	\$100.00	1,316	\$131,600.00	\$347.50	\$131,947.50	47819	1366-1385	4/1/2011	51324	1767	12/17/2014		

Partial Release

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	40.50
12	PAGES	SUPPLEMENTAL ORDER	102.00
2	PAGES	RELEASE OF LIEN	25.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			347.50