

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: BRI, LLC, N. Bryan Road, Case #08-2045.

Summary Explanation & Background:

Case #08-2045

This was originally cited on 11/20/08 for 4 violations, and was given 30 days to comply. This went to the Special Magistrate on 5/7/09 for 4 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 6/16/09 to comply or a fine of \$125.00 per day would be levied. At the 3/3/11 hearing, Special Magistrate Gordon confirmed the fine as a lien. The fines ran from 6/16/09 through 9/11/14, 1,913 days @ \$125.00 per day = \$239,125.00 plus admin fees of \$249.50 for a total of \$239,374.50.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$3,500.00 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 \$3,500.00 as settlement for the code case.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 08-2045

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
11-14-2008

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
0 VAC LOT S OF 1500 NW 1
ST

Folio Number:

Cited Party:
BRI LLC

Note Type

Case Notes

Date

INSPECTOR NAME	WARREN OSTROFSKY	11-14-2008
Case Narrative	Vio letter-8-22(a)(3); 13-34(a); 13-34(b); 28-28.060	11-20-2008
Case Inspections Text	Extension granted until 1/22/09 per inspector Warren Ostrofsky. December 29, 2008 2:29:55 PM danilxg	12-29-2008
Case Inspections Text	Extension granted until 2/12/09 per inspector Warren Ostrofsky. January 29, 2009 10:21:28 AM danilxg	01-29-2009
Case Inspections Text	Extension granted until 3/13/09 per inspector Warren Ostrofsky. February 20, 2009 4:13:05 PM danilxg	02-20-2009
Case Inspections Text	Property failed inspection- send to SM per Insp Ostrofsky on 3-16-09. March 17, 2009 11:44:26 AM daninxl	03-17-2009
Case Board Meetings	Compliance by June 16, 2009 or \$125.00 per day fine per Special Magistrate Gordon Linn at the May 7, 2009 hearing. May 22, 2009 2:50:55 PM daniszp	05-22-2009
Case Inspections Text	Property failed reinspection per inspector Warren Ostrofsky. June 16, 2009 3:06:16 PM danilxg	06-16-2009
Case Other Actions	Sent to Tim Ryan's office for title search.	07-24-2009
Case Board Meetings	Fine confirmed by Special Magistrate Gordon Linn at the November 5, 2009 hearing. November 9, 2009 3:25:57 PM DANITXT	02-12-2010
Case Inspections Text	Property failed reinspection on 2.19.10 per Inspector Warren Ostrofsky. February 19, 2010 4:18:10 PM DANITXT	07-01-2011
Case Inspections Text	Per Insp. Ostrofsky: Case failed re-inspection 10/10/14. All violations still remain. LW 10/13/14	10-13-2014
Case Narrative	Per Tim Ryan's office: Settlement of \$3,500.00 due to foreclosure. Send to next commission abatement hearing for acceptance of settlement LW 1/14/15	01-14-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	11-14-2008
HISTORICAL - DMS Violation Letter	11-20-2008

REINSPECTION - REINSPECTION	12-20-2008
REINSPECTION - REINSPECTION	01-22-2009
REINSPECTION - REINSPECTION	02-12-2009
REINSPECTION - REINSPECTION	03-13-2009
POST HEARING - POST BOARD	06-16-2009
F-TITLE SEARCH - TITLE SEARCH	07-24-2009
HISTORICAL - DMS Affidavit of Service	10-24-2009
FORECLOSURE - FORECLOSURE REINSPECTION	02-16-2010
F-TITLE SEARCH - TITLE SEARCH	03-18-2010

Case Violations

1	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.	ACTIVE	11/20/2008
2	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	11/20/2008
3	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	11/20/2008
4	CE028028060001 - DBCC 28- 28.060 Prohibited Sign	DBCC 28-28.060 states it is unlawful to erect, cause to be erected, maintain, or cause to be maintained any sign that is not specifically permitted, exempted, or authorized by the code.	ACTIVE	11/20/2008

City of Dania Beach

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

OWNER: BRI LLC
 FOLIO: 0233-55-0010
 LEGAL: DANIA BEACH AIR & PORT COMMERCE CENTRE 177-81 B PARCEL A
 ADDRESS: VACANT LOT

CODE ENFORCEMENT ORDER LIEN						CEB 08-2045		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
6/16/2009	9/11/2014	\$125.00	1,913	\$239,125.00	\$249.50	\$239,374.50	46765	1225-1231	12/30/2009	112744277	1	1/13/2015	

This fine is still active and accruing at daily rate.

ESTIMATED COST OF RECORDING FEES

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