

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: Fishman Investments LLC, 4580 SW 33 Ave,
Case #09-1258 and #2013-1893

Summary Explanation & Background:

Case #09-1258

This was originally cited on 7/1/09 for 2 violations, and was given 15 days to comply. This went to the Special Magistrate on 10/8/09 for 2 violations. Special Magistrate Mark Berman issued an order giving the respondent until 10/28/09 to comply or a fine of \$250.00 per day would be levied. He also granted authorization to abate the nuisances after that date. At the 2/4/10 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The Public Services lien was made part of this settlement in the amount of \$1,643.69. The property came into compliance on 10/8/10. The fines ran from 10/28/2009 through 10/8/10, 345 days @ \$250.00 per day = \$86,250.00 plus admin fees of \$249.50 for a total of \$86,499.50.

Case #2013-1893

This case was originally cited on 12/6/13 for 6 violations and was given 30 days to comply. This went to the Special Magistrate on 4/3/14 for 6 violations. Special Magistrate Mark Berman issued an order giving the respondent until 4/23/14 to comply or a fine of \$200.00 per day would be levied. The property complied on 9/11/14 and at the 9/11/14 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 4/3/14 through 9/11/14, 141 days @ \$200.00 per day = \$28,200.00 plus admin fees of \$100.00 for a total of \$28,300.00. The City accepted \$2,700.00 on this case, which is made part of this settlement.

This is a motion to accept the settlement offer received by the City due to tax deed sale. The City received \$30,820.69 as settlement for both code cases.

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 tax deed sale. The City received \$30,820.69 as settlement for both code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 09-1258

Case Type:
Notice of ViolationCase Description:
MINIMUM STANDARDSCase Start Date:
07-01-2009Status:
Active

Status Date:

Default Inspector:
Warren OstrofskyCited Address:
4580 SW 33 AVEFolio Number:
5042-30-03-0030Cited Party:
S&W Alf of Dania Inc. c/o
Fishman Investments LLC

Note Type

Case Notes

Date

INSPECTOR NAME	MICHAEL RINALDI	07-01-2009
INSPECTOR NAME	TUCHETTE TORRES	07-01-2009
Case Narrative	Vio.Let. - 13-34b; 13-34c	07-14-2009
Case Inspections Text	Extension granted until 8/7/09 per inspector Tuchette Torres. July 29, 2009 3:14:38 PM danilxg	07-29-2009
Case Inspections Text	Property failed reinspection per inspector Tuchette Torres. August 14, 2009 2:53:01 PM danilxg	08-14-2009
Case Inspections Text	NUISANCE ABATEMENT CK	02-09-2010
Case Board Meetings	Compliance by October 28, 2009 or \$250.00 per day fine. Authorization to abate nuisances by cutting & cleaning the property after October 28,2009 granted in the interest of public health & safety per Special Magistrate Mark Berman. October 21, 2009 4:03:25 PM DANITXT	03-23-2010
Case Inspections Text	Property failed reinspection per Inspector Mike Rinaldi. November 18, 2009 4:42:49 PM DANITXT	03-23-2010
Case Inspections Text	Property failed reinspection on 3.15.10 per Inspector Mike Rinaldi. March 17, 2010 10:46:10 AM DANITXT	05-14-2010
Case Inspections Text	Property failed reinspection per Inspector Mike Rinaldi. May 26, 2010 9:14:24 AM DANITXT.	09-10-2010
Case Board Meetings	Fine confirmed by Special Magistrate Mark Berman at the February 4, 2010 Special Magistrate hearing. Authorization to abate nuisances in regards to charges # 1 & 2 by cutting the overgrowth, cleaning and removing the debris after February 24, 2010 granted in the interest of public health and safety. February 9, 2010 12:38:40 PM DANITXT	05-02-2011
Case Inspections Text	Notes on file indicate property came into compliance 10/8/2010 LW 12/27/13	12-27-2013
Case Inspections Text	Per telephone conversation 7/29/14 with Eric Abend of Tim Ryan's office - send to next available hearing (9/11/14) for authorization to foreclose. Send notice to new owners (Fishman Investments LLC) LW 7/29/14	07-29-2014
Case Board Meetings	Per Special Magistrate Mark Berman at the 9/11/14 hearing, the following was ordered: Authorization to Foreclose Granted LW 9/12/14	09-12-2014

Case Narrative	Per Tim Ryan's office, settlement accepted 11/5/14 for \$29,353.04 for this case and 2013-1893. Schedule for Commission Abatement Hearing LW 11/25/14	11-25-2014
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Case Activity Comments

INITIAL - INITIAL INSPECTION	07-01-2009
HISTORICAL - DMS Violation Letter	07-14-2009
REINSPECTION - REINSPECTION	07-28-2009
REINSPECTION - REINSPECTION	08-07-2009
HISTORICAL - DMS Affidavit of Service	09-22-2009
POST HEARING - POST BOARD	10-28-2009
F-TITLE SEARCH - TITLE SEARCH	11-25-2009
HISTORICAL - DMS Affidavit of Service	01-20-2010
POST HEARING - POST BOARD	02-24-2010
FORECLOSURE - FORECLOSURE REINSPECTION	05-25-2010
F-TITLE SEARCH - TITLE SEARCH	06-23-2010

Case Violations

1	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	07/01/2009
2	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	07/01/2009

Case Number: 2013-00001893

Case Type:
Notice of Violation

Case Description:
Initial Case

Case Start Date:
12-06-2013

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
4580 SW 33 AVE

Folio Number:
5042-30-03-0030

Cited Party:
Fishman Investments LLC

Note Type

Case Notes

Date

CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	12-17-2013
CASE INSPECTION NOTES	CASE INSPECTION NOTES	12-17-2013
CASE HEARING NOTES	CASE HEARING NOTES	12-17-2013
CASE ACTIVITY NOTES	NOV approved & mailed to BCPA cert# 7012 1010 0002 5510 1307 & site location XC cert# 7012 1010 0002 5510 1314 12/26/13. AL 12/16/13	12-26-2013
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 2/11/14. Send to next available hearing LW 2/12/14	02-12-2014
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 4/3/14 hearing, the following was ordered: Compliance by April 23, 2014 or a \$200.00 per day fine. \$100.00 administrative fee assessed. LW 4/4/14	04-04-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-board inspection on 4/28/14. Send to T/S for confirmation of fines. LW 5/2/14	05-02-2014
CASE INSPECTION NOTES	Per T/S results received from Tim Ryan's office 7/17/14, send to next available hearing for confirmation of fines. LW 7/25/14	07-25-2014
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 9/11/14 hearing, the following was ordered: Fine Confirmed - Order Imposing Fine LW 9/12/14	09-12-2014
CASE ACTIVITY NOTES	Per Tim Ryan's office: Hold off recording the lien while Tim Ryan's office works up a settlement offer with Fishman Properties - per Eric Abend 9/26/14. LW 9/29/14	09-29-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case complied 9/11/14. LW 11/3/2014	11-03-2014
CASE ACTIVITY NOTES	Per Tim Ryan's office, settlement accepted for \$29,353.04 for this case and 09-1258 on 11/5/14. Send to Commission Abatement Hearing for 3/4/15 LW 11/25/14	11-25-2014

Case Activity Comments

Case Violations

1	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.	12/06/2013
2	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.	12/06/2013
3	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.	12/06/2013
4	CE100040004001 - DBLDC 100-40 (D) Prohibited Use	DBLDC 100-40(D) states any use not specifically listed as a permitted use or a special exception use for the subject property's zoning district is prohibited.	12/06/2013
5	CE105120001001 - DBLDC 105- 120(A) Prohibited Commercial Vehicle	DBLDC 105-120(A) prohibits class A commercial vehicles (as defined in the City's Land Development Code Sec. 725-30) from being parked, occupied, or stored in any residential or mixed residential/commercial districts.	12/06/2013
6	CE265100003001 - DBLDC 265- 100(C) Parking Surface Required	DBLDC 265-100(C) states all areas reserved for off street parking shall be of smooth paved surface and in good repair in compliance with city codes.	12/06/2013

City of Dania Beach

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

OWNER: S & W ALF OF DANIA INC
FOLIO: 0230-03-0030
LEGAL: FIRST ADDITION TO CANAL GROVES 23-41 B LOT 4,5 BLK 8
ADDRESS: 4580 SW 33 AVENUE

CODE ENFORCEMENT ORDER LIEN							CEB 09-1258			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
10/28/2009	10/8/2010	\$250.00	345	\$86,250.00	\$249.50	\$86,499.50	46902	920-926	2/25/2010	51260	500	11/20/2014			
										51274	972-973	11/26/2014			
										51326	448	12/17/2014			

Void of Release

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: S & W ALF OF DANIA INC % WHILLELMINA ROWE
 FOLIO: 0230-03-0030
 LEGAL: FIRST ADDITION TO CANAL GROVES 23-41 B LOT 4,5 BLK 8
 ADDRESS: 4580 SW 33 AVENUE

NUISANCE ABATEMENT LIEN						CASE # 09-1258			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						
3/31/2010	8/28/2014	\$1,015.47	1,611	0.00032900	\$0.334090	\$538.22	\$90.00	\$1,643.69	47008	1092	4/12/2010	51260	500	11/20/2014

ESTIMATED COST OF RECORDING FEES

1	PAGE(S) CLAIM OF LIEN	10.00
	ADM. FEE RECORDING LIEN	40.00
1	PAGE(S) RELEASE OF LIEN	10.00
	ADM. FEE RECORDING RELEASE	30.00
		<u>90.00</u>

City of Dania Beach

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

OWNER: FISHMAN INVESTMENTS LLC
FOLIO: 0230 03 0030
LEGAL: FIRST ADDITION TO CANAL GROVESS 23-41 B LOT 4, 5 BLK 8
ADDRESS: 4580 SW 33 Avenue, Dania Beach, Florida

ORDER IMPOSING FINE/ FINAL ORDER							CEB 2013-1893			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
4/23/2014	9/11/2014	\$200.00	141	\$28,200.00	\$100.00	\$28,300.00	51272	917-922	11/25/2014	51326	448	12/17/2014			

PROPERTY COMPLIED 9/11/14

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
0	PAGES	SUPPLEMENTAL ORDER	0.00
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
			237.00