

# 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: James & Renee Spinella, 638 NE 3 Street, Case #09-1687 and #10-0305

**Summary Explanation & Background:**

Case #09-1687

This was originally cited on 8/27/09 for 1 violation, and was given 15 days to comply. This went to the Special Magistrate on 11/5/09 for 1 violation. Special Magistrate Gordon Linn issued an order giving the respondent until 11/26/09 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 4/8/10 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 \$501.84. The property came into compliance on 4/5/10. The fines ran from 11/26/2009 through 4/5/10, 130 days @ \$250.00 per day = \$32,500.00 plus admin fees of \$258.00 for a total of \$32,758.00.

Case #10-0305

This case was originally cited on 3/10/10 for 1 violation and was given 30 days to comply. This went to the Special Magistrate on 6/3/10 for 1 violation. Special Magistrate Mitch Kraft issued an order giving the respondent until 7/13/10 to comply or a fine of \$150.00 per day would be levied. At the 12/2/10 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The property complied on 4/4/14. The fines ran from 7/13/10 through 4/4/14, 1,361 days @ \$150.00 per day = \$204,150.00 plus admin fees of \$262.50 for a total of \$204,412.50.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$2,701.84 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 foreclosure. The City received \$2,701.84 as settlement for both code cases.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

---

**City Manager**

---

**City Clerk**

Case Number: 09-1687

Case Type:  
Notice of ViolationCase Description:  
MINIMUM STANDARDSCase Start Date:  
08-26-2009Status:  
Active

Status Date:

Default Inspector:  
Warren OstrofskyCited Address:  
638 NE 3 ST

Folio Number:

Cited Party:  
JAMES SPINELLA &

## Note Type

## Case Notes

## Date

INSPECTOR NAME	TUCHETTE TORRES	08-26-2009
INSPECTOR NAME	WARREN OSTROFSKY	08-26-2009
Case Narrative	Vio.Let. - 13-29	09-08-2009
Case Inspections Text	Extension granted until 9.28.09 per Inspector Warren Ostrofsky. September 18, 2009 4:18:35 PM danilxg	09-18-2009
Case Inspections Text	Property failed reinspection per Inspector Warren Ostrofsky. September 28, 2009 4:02:26 PM DANILXG	09-28-2009
Case Inspections Text	Property failed reinspection on 11.25.09 per Inspector Warren Ostrofsky. December 2, 2009 11:18:22 AM DANITXT	12-02-2009
Case Board Meetings	Compliance by November 25, 2009 or \$250.00 per day fine. Authorization to abate nuisances by securing and cleaning the pool after November 25, 2009 granted in the interest of public health and safety per Special Magistrate Gordon Linn at the November 5, 2009 hearing. \$100.00 administrative fee is assessed. November 10, 2009 9:28:15 AM DANITXT	03-25-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the April 8, 2010 Special Magistrate hearing. Property is in compliance as of April 5, 2010. April 13, 2010 11:37:05 AM DANITXT	08-20-2010
Case Inspections Text	No payment or settlement on this case. Fines still owed. August 20, 2010 1:22:24 PM DANITXT. LIEN SHOULD BE RECORDED 90 DAYS-GET UPDATED TITLE SEARCH, PROCEED	02-22-2011
Case Inspections Text	ck to see if need new title search, lien rerecorded on 3.2.11.	05-09-2011
Case Inspections Text	Lien re recorded on 3.2.11. 90 days are 5.31.11. ck to see if need new ts on 6.1.11. May 9, 2011 4:27:31 PM DANITXT.	06-06-2011
Case Inspections Text	emailed victoria on this. June 6, 2011 11:41:52 AM DANITXT.	10-27-2011
Case Narrative	Property posted for service on 11/22/11 for the 12/8/11 SM hearing by Insp. Ostrofsky. November 22, 2011 6:56:44 PM daninxl.	11-22-2011
Case Board Meetings	At the December 8, 2011 hearing, Special Magistrate Mark Berman ordered: Authorization to sue for money judgment granted. December 14, 2011 1:29:07 PM danicjf.	12-14-2011

Case Inspections Text	Per Insp. Ostrofsky: There is handwritten note on file folder stating "Complied 4/5/10". LW 3/19/14	03-19-2014
Case Narrative	Per Tim Ryan's office: City accepted settlement of \$2701.84 for this case and case #10-0305. Send to next available Commission Abatement meeting for acceptance of settlement. LW 1/14/15	01-14-2015

### Case Activity Comments

INITIAL - INITIAL INSPECTION	08-27-2009
HISTORICAL - DMS Violation Letter	09-08-2009
REINSPECTION - REINSPECTION	09-18-2009
REINSPECTION - REINSPECTION	09-28-2009
HISTORICAL - DMS Affidavit of Service	10-24-2009
POST HEARING - POST BOARD	11-25-2009
F-TITLE SEARCH - TITLE SEARCH	12-31-2009
HISTORICAL - DMS Affidavit of Service	03-23-2010
FORECLOSURE - FORECLOSURE REINSPECTION	07-08-2010
F-TITLE SEARCH - TITLE SEARCH	12-22-2010
FORECLOSURE - FORECLOSURE REINSPECTION	05-09-2011
FORECLOSURE - FORECLOSURE REINSPECTION	06-01-2011
HISTORICAL - DMS Affidavit of Service	11-22-2011

### Case Violations

1	CE013029000001 - DBCC 13-29 Stagnant Water/Mosquitoes	DBCC 13-29 states it is unlawful for any person to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.	ACTIVE	08/27/2009
---	---	---	--------	------------

Case Number: 10-0305

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
03-10-2010

Status:  
Active

Status Date:

Default Inspector:  
Warren Ostrofsky

Cited Address:  
638 NE 3 ST

Folio Number:

Cited Party:  
JAMES SPINELLA &

Note Type

Case Notes

Date

INSPECTOR NAME	NICHOLAS LUPO	03-10-2010
INSPECTOR NAME	TUCHETTE TORRES	03-10-2010
INSPECTOR NAME	WARREN OSTROFSKY	03-10-2010
Case Narrative	Vio.Let. - 15-1	03-11-2010
Case Inspections Text	Extension granted until 4.22.10 per Inspector Warren Ostrofsky. April 12, 2010 10:00:55 AM DANITXT	04-12-2010
Case Inspections Text	Property failed reinspection on 4.22.10 per Inspector Warren Ostrofsky. April 23, 2010 2:40:41 PM DANITXT	04-23-2010
Case Inspections Text	Property failed reinspection on 7.13.10 per Inspector Warren Ostrofsky. July 13, 2010 4:12:12 PM DANITXT.	07-13-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the December 2, 2010 Special Magistrate hearing. \$100 administrative fee is assessed. December 9, 2010 12:05:40 PM DANITXT.	12-09-2010
Case Board Meetings	Compliance by July 13, 2010 or \$150.00 per day per Special Magistrate Mitch Kraft at the June 3, 2010 Special Magistrate hearing. \$100.00 administrative fee assessed. June 7, 2010 3:46:47 PM DANITXT.	12-10-2010
Case Inspections Text	Property failed reinspection on 3.21.11 per Inspector Warren Ostrfosky. March 24, 2011 11:48:06 AM DANITXT.	03-24-2011
Case Inspections Text	Property failed foreclosure reinspection on 6/22/11 per Inspector Warren Ostrofsky. June 22, 2011 3:54:01 PM DANISGA.	06-22-2011
Case Inspections Text	Sent to title search-pending response. August 24, 2011 12:54:19 PM danitxt.	08-24-2011
Case Board Meetings	Motion to Sue for Money Judgment rescinded at this time. Final order is amended and the fine is confirmed in the amount of \$500.00 (one time assessment) along with the \$100.00 administrative fee as previously assessed per Special Magistrate Gordon Linn at the November 3, 2011 hearing. November 8, 2011 4:16:36 PM DANISGA.	11-08-2011
Case Inspections Text	Check for next step with City Prosecutor. November 8, 2011 8:27:37 PM daninxl.	11-08-2011
Case Inspections Text	Per Insp. Ostrofsky: Case complied 4/4/14. Case remains open because of fines and costs due. LW 4/4/14	04-04-2014

Case Narrative	Per Tim Ryan's office: City accepted settlement of \$2701.84 for this case and case #09-1687. Send to next available Commission Abatement meeting for acceptance of settlement. LW 1/14/15	01-14-2015
----------------	---	------------

### Case Activity Comments

INITIAL - INITIAL INSPECTION	03-10-2010
HISTORICAL - DMS Violation Letter	03-11-2010
REINSPECTION - REINSPECTION	04-01-2010
REINSPECTION - REINSPECTION	04-22-2010
HISTORICAL - DMS Affidavit of Service	05-20-2010
POST HEARING - POST BOARD	07-13-2010
F-TITLE SEARCH - TITLE SEARCH	07-14-2010
HISTORICAL - DMS Affidavit of Service	11-15-2010
FORECLOSURE - FORECLOSURE REINSPECTION	03-21-2011
FORECLOSURE - FORECLOSURE REINSPECTION	06-22-2011
F-TITLE SEARCH - TITLE SEARCH	08-24-2011
HISTORICAL - DMS Affidavit of Service	10-19-2011
F-FOLLOW UP - UPDATE	02-01-2012

### Case Violations

1	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	03/10/2010
---	---	---	--------	------------

# City of Dania Beach

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

**OWNER:** SPINELLA,JAMES & SPINELLA,RENEE  
**FOLIO:** 0235-11-0030  
**LEGAL:** ROYAL PALM-VISTA EAST 90-6 B LOT 3 BLK 1  
**ADDRESS:** 638 NE 3 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 09-1687		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
11/26/2009	4/5/2010	\$250.00	130	\$32,500.00	\$258.00	\$32,758.00	47753	401-411	3/2/2011	51328	416	12/18/2014	

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	34.00
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
			<b>258.00</b>

# City of Dania Beach

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

OWNER: SPINELLA,JAMES & SPINELLA,RENEE  
 FOLIO: 0235-11-0030  
 LEGAL: ROYAL PALM-VISTA EAST 90-6 B LOT 3 BLK 1  
 ADDRESS: 638 NE 3 STREET

LOT MOWING AND DEBRIS REMOVAL LIEN						CASE # 09-1687			RECORDED			RELEASED		
Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE	DATE
11/5/2009	10/1/2014	\$259.14	1,791	0.00032900	\$0.085257	\$152.70	\$90.00	\$501.84	46765	1149	12/30/2009	51328	416	12/18/2014



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 Ext. 3662

**OWNER:** JAMES SPINELLA & RENEE SPINELLA  
**FOLIO:** 0235-11-0030  
**LEGAL:** ROYAL PALM VISTA EAST 90-6 B LOT 3 BLK 1  
**ADDRESS:** 638 NE 3 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 10-0305		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total	47593	6 - 10.	12/17/2010				
7/13/2010	4/4/2014	\$150.00	1,361	\$204,150.00	\$262.50	\$204,412.50	47819	1611-1616	4/1/2011	51328	416	12/18/2014	

**ESTIMATED COST OF RECORDING FEES**

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
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
			<b>262.50</b>