

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: June 3, 2015

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: William Diaz, 911 NW 7 Street,
Case #10-1769 and Case #11-1104 due to short sale

Summary Explanation & Background:

Case #10-1769

This was originally cited on 11/29/2010 for 1 violation, and was given 30 days to comply and then was granted a 30-day internal extension. This went to the Special Magistrate on 3/3/2011 for 1 violation. Special Magistrate Gordon Linn issued an order giving the respondent until 6/11/11 to comply or a fine of \$250.00 per day would be levied. At the 9/8/2011 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. At the 7/12/12 hearing, Special Magistrate Gordon Linn granted Authorization to Sue for Money Judgment. The fines ran from 6/11/2011 through 9/17/14, 1,194 days @ \$250.00 per day = \$298,500.00 plus admin fees of \$254.00 for a total of \$298,754.00.

Case #11-1104

This case was originally cited on 7/18/2011 for 1 violation and was given 30 days to comply. This went to the Special Magistrate on 12/8/2011 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 1/17/2012 to comply or a fine of \$100.00 per day would be levied. At the 7/12/2012 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. At the 4/4/2013 hearing, Special Magistrate Mark Berman granted Authorization to Sue for Money Judgment. The fines ran from 1/17/12 through 9/17/14, 974 days @ \$100.00 per day = \$97,400.00 plus admin fees of \$254.00 for a total of \$97,654.00.

This is a motion to accept the settlement offer received by the City due to short sale of the property. The City received \$7,500.00 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 short sale of the property. The City received \$7,500.00 as settlement for both code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 10-1769

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
11-12-2010

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
911 NW 7 ST

Folio Number:

Cited Party:
WILLIAM DIAZ

Note Type

Case Notes

Date

INSPECTOR NAME	TUCHETTE TORRES	11-12-2010
INSPECTOR NAME	WARREN OSTROFSKY	11-12-2010
Case Narrative	Vio.let. - FBC 105.1	11-29-2010
Case Inspections Text	Extension granted on 12.29.10 for 30 days per Inspector Warren Ostrofsky. December 30, 2010 8:19:52 AM DANITXT.	12-30-2010
Case Inspections Text	Property failed reinspection on 1.28.11 per Inspector Warren Ostrofsky. February 1, 2011 12:08:17 PM DANITXT.	02-01-2011
Case Board Meetings	Compliance by June 11, 2011 or \$250.00 per day fine per Special Magistrate Gordon Linn at the March 3, 2011 Special Magistrate hearing. \$100.00 administrative fee is assessed. March 9, 2011 12:43:45 PM DANITXT.	03-09-2011
Case Inspections Text	Property failed reinspection on 6.13.11 per Inspector Warren Ostrofsky. June 16, 2011 8:50:48 AM DANITXT.	06-16-2011
Case Inspections Text	Per Tim Ryan's office schedule for confirmation of fine. July 19, 2011 9:55:53 AM danitxt.	07-19-2011
Case Board Meetings	Fine confirmed per Special Magistrate Gordon Linn at the September 8, 2011 Special Magistrate hearing. September 13, 2011 9:20:16 AM danitxt.	09-13-2011
Case Inspections Text	Case failed reinspection on 1/10/12 per Insp Ostrofsky, and will be sent to title search. January 10, 2012 4:10:59 PM daninxl.	01-10-2012
Case Board Meetings	Per Special Magistrate Gordon Linn, at the 7/12/12 hearing, the following was ordered: Authorization to sue for money judgment granted. KM 8/6/12	08-06-2012
Case Inspections Text	Per title search results received: set for next available Special Magistrate hearing for authorization to sue for money judgement. KM 8/6/12	08-06-2012
Case Narrative	Per Tim Ryan's office: Accepted \$7,500 for settlement of this case and 11-1104. Schedule for approval by Commission at 6/3/15 Commission Abatement Hearing LW 3/12/15	03-12-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	11-12-2010
HISTORICAL - DMS Violation Letter	11-29-2010
REINSPECTION - REINSPECTION	12-29-2010
REINSPECTION - REINSPECTION	01-28-2011
HISTORICAL - DMS Affidavit of Service	02-15-2011
POST HEARING - POST BOARD	06-11-2011
F-TITLE SEARCH - TITLE SEARCH	06-21-2011
HISTORICAL - DMS Affidavit of Service	08-22-2011
FORECLOSURE - FORECLOSURE REINSPECTION	12-26-2011
F-TITLE SEARCH - TITLE SEARCH	04-11-2012

Case Violations

1	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	11/12/2010
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City of Dania Beach

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

OWNER: WILLIAM DIAZ
 FOLIO: 0234-33-0070
 LEGAL: ANDERSONS SUB 34-40 B LOT 2 BLK 2
 ADDRESS: 911 NW 7 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 10-1769		RECORDED			RELEASED	
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
6/11/2011	3/16/2015	\$250.00	1,374	\$343,500.00	\$254.00	\$343,754.00	48202	286-291	9/26/2011	112867491	Page 1 of 1	3/16/2015

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	100.00
			254.00

Case Activity Comments

INITIAL - INITIAL INSPECTION	07-18-2011
HISTORICAL - DMS Violation Letter	07-18-2011
REINSPECTION - REINSPECTION	08-17-2011
REINSPECTION - REINSPECTION	09-18-2011
HISTORICAL - DMS Affidavit of Service	10-19-2011
HISTORICAL - DMS Affidavit of Service	11-22-2011
POST HEARING - POST BOARD	01-17-2012
F-TITLE SEARCH - TITLE SEARCH	04-11-2012

Case Violations

1	CE825200001001 - DBLDC 825-200(A) Tree Removal/Abuse Violation	DBLDC 825-200(A) states it shall be unlawful for any owner or operator of any property within the city to allow or cause to be allowed any violation of the tree preservation and/or tree abuse regulations, including, but not limited to: trees removed and/or relocated without first obtaining a license or permit from the city to do so, hatracking a tree, and further as defined per the City Code.	ACTIVE	07/18/2011
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 ADDRESS: 911 NW 7 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 11-1104		RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
1/17/2012	3/16/2015	\$100.00	1,154	\$115,400.00	\$254.00	\$115,654.00	49021	1372-1377	8/23/2012	112867491	Page 1 of	3/16/2015	

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			254.00