

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: Salome Murphy, 2764 SW 47 Street,
Case #2014-0595 due to short sale

Summary Explanation & Background:

This was originally cited on 4/21/2014 for 5 violations, and was given 21 days to comply. This went to the Special Magistrate on 7/10/2014 for 4 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 8/19/2014 to comply or a fine of \$200.00 per day would be levied. Special Magistrate Linn also gave authorization for the City to abate the nuisances after 8/19/2014. The City did abate those nuisances and a Public Services Lien was recorded against the property for 110.86 plus interest for a total of \$206.66. Both liens are made part of this settlement. At the 1/8/2015 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 8/19/2014 through 2/10/2015, 175 days @ \$200.00 per day = \$35,500.00 plus admin fees of \$362.50 for a total of \$35,362.50.

This is a motion to accept the settlement offer received by the City due to short sale of the property. The City received \$1,706.22 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 short sale of the property. The City received \$1,706.22 as settlement for the code case.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 2014-00000595

Case Type:
Notice of Violation

Case Description:
Initial case

Case Start Date:
04-15-2014

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
2764 SW 47 ST

Folio Number:
5042-29-14-0200

Cited Party:
Salome Murphy

Note Type

Case Notes

Date

CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	04-21-2014
CASE HEARING NOTES	CASE HEARING NOTES	04-21-2014
CASE INSPECTION NOTES	CASE INSPECTION NOTES	04-21-2014
CASE ACTIVITY NOTES	Per Insp Ostrofsky: NOV posted on 4/15/14. Also, mailed. JC 4/21/14	04-21-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 5/12/14. Send to next available hearing. LW 5/13/14	05-13-2014
CASE HEARING NOTES	Per Special Magistrate Gordon Linn at the 7/10/14 hearing, the following was ordered: Compliance by August 19, 2014 or \$200.00 per day fine. Authorization to abate the nuisances by securing the property, cutting the overgrowth, and cleaning the trash and debris after August 19, 2014 granted in the interest of public health and safety. \$100.00 administrative fee assessed. LW 7/11/14	07-11-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-board inspection 8/20/14. Send to T/S for confirmation of fines. LW 8/21/14	08-21-2014
CASE ACTIVITY NOTES	Per Insp. Urow: Nuisance Abatement Work Order #4579 (mow, remove debris, secure property)submitted to Public Services on 8/21/14 LW 8/21/14	08-21-2014
CASE INSPECTION NOTES	Per T/S results from Tim Ryan's office received 11/12/14, send to next available hearing for confirmation of fines. LW 11/18/14	11-18-2014
CASE ACTIVITY NOTES	Per Insp. Urow: Nuisance abatement performed 9/4/14. Record PS Lien 11/20/14 LW 11/20/14	11-20-2014
CASE HEARING NOTES	Per Mark Berman at the 1/8/2015 Special Magistrate hearing, the following was ordered: Fine confirmed LW 1/9/15	01-09-2015
CASE INSPECTION NOTES	Per Tim Ryan's office: Accepted settlement of \$1706.22. Schedule for Commission Abatement hearing of 6/3/15 LW 3/23/15	03-23-2015

Case Activity Comments

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.		04/15/2014
2	CE008021146001 - DBCC 8-21(a)(4)(f) Fence/Wall/Enclosure Maint.	DBCC 8-21(a)(4)(f) states every accessory structure shall be kept in a clean and sanitary condition, free from rodents, vermin, and infestations and all fences, walls, and similar enclosures shall be maintained in a state of good repair.		04/15/2014
3	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.		04/15/2014
4	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.		04/15/2014
5	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.		04/15/2014

City of Dania Beach

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

OWNER: SALOME MURPHY
 FOLIO: 0229 14 0200
 LEGAL: AVON HEIGHTS 38-38 N LOT 20 BLK 1
 ADDRESS: 2764 SW 47 Street, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2014-0595			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK/INSTRUMENT	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
8/19/2014	2/10/2015	\$200.00	175	\$35,000.00	\$362.50	\$35,362.50	112764143	1 to 7	1/23/2015	112914911	Page 1 of 1	4/8/2015			

This fine is still active and accruing at daily rate.

To calculate additional daily amount (x) **\$200.00** by the # of days after **2/10/2015**

This property must be brought into compliance & paid before the lien will be released.

REVISED 4/20/2015

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	40.50
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	200.00
			362.50

City of Dania Beach

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

OWNER: SALOME MURPHY
 FOLIO: 0229 14 0200
 LEGAL: AVON HEIGHTS 38-38 B LOT 20 BLK 1
 ADDRESS: VACANT LOT

LOT MOWING AND DEBRIS REMOVAL LIEN						CEB 2014-0595			RECORDED			RELEASED		
Interest	Through	Lien	# of	Interest		Interest	Record		BOOK	PAGE	DATE	INST	PAGE	DATE
Start	Date	Amount	Days	Amount	Per Diem	Amount	Fee	Total						
9/4/2014	2/10/2015	\$110.86	159	0.00032900	\$0.036473	\$5.80	\$90.00	\$206.66	51260	692	11/20/2014	112914911	Page 1 of 1	4/8/2015

This lien is accruing interest daily. To calculate additional interest amount, multiple the per diem amount (X) the number of days after: 2/10/2015

REVISED 4/20/2015

ESTIMATED COST OF RECORDING FEES		
1	PAGE(S) CLAIM OF LIEN	16.50
	ADM. FEE RECORDING LIEN	40.00
1	PAGE(S) RELEASE OF LIEN	16.50
	ADM. FEE RECORDING RELEASE	30.00
		<u>103.00</u>