

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: September 2, 2015

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: James and Dorothea Dobson property, 231 SW 9 Street, Case #09-0202, Case #09-0925, Case #2012-0985 and Case #2014-2169 due to foreclosure.

Summary Explanation & Background:

Case #09-0202

This was originally cited on 2/9/2009 for 8 violations, and was given 30 days to comply. This went to the Special Magistrate on 4/2/2009 for 5 violations. Special Magistrate Mark Berman issued an order giving the respondent until 5/12/2009 to comply or a fine of \$200.00 per day would be levied. At the 7/9/2009 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 5/12/2009 through 2/10/2015, 2,100 days @ \$250.00 per day = \$525,000.00 plus admin fees of \$141.00 for a total of \$525,141.00.

Case #09-0925

This case was originally cited on 5/19/2009 for 4 violations and was given 30 days to comply. This went to the Special Magistrate on 7/9/2009 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 8/18/2009 to comply or a fine of \$250.00 per day would be levied. At the 9/3//2009 hearing, Special Magistrate Mitchell Kraft confirmed the fine as a lien. The fines ran from 8/18/2009 through 2/10/2015, 2,002 days @ \$250.00 per day = \$500,500.00 plus admin fees of \$141.00 for a total of \$500,641.00.

Case #2012-0985

This case was originally cited on 10/11/2012 for 4 violations and was given 30 days to comply. This went to the Special Magistrate on 1/10/2013 for 4 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 1/30/2013 or a fine of \$250.00 per day would be levied. Special Magistrate also authorized the City to abate the nuisances by if not complied by 1/10/2013. At the 6/6/2013 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 1/30/2013 through 2/10/2015, 741 days @ \$250.00 per day = \$185,250.00 plus admin fees of \$362.50 for a total of \$185,612.50. There is also a Public Services Nuisance Abatement Lien associated with this case for a total of \$172.02.

Case #2014-2169

This case was cited against the new owner, US Bank NA, on 10/27/2014 for 6 violations. The City agrees to dismiss this case as part of the settlement agreement. The City will allow the new owner of the property 60 days from the date the new owner acquires title to bring the property into compliance or the new owner will be subject to a code enforcement action.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$5,872.02 as settlement for all 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 \$5,872.02 as settlement for all code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 09-0202

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
02-04-2009

Status:
Active

Status Date:

Default Inspector:
Tuchette Torres

Cited Address:
231 SW 9 ST

Folio Number:

Cited Party:
JOSEPH DOBSON

Note Type

Case Notes

Date

INSPECTOR NAME	TUCHETTE TORRES	02-04-2009
Case Narrative	Vio letter-8-21(a)(2)(g); 8-21(a)(4)(a); 8-21(a)(5)(a)(1); 8-21(a)(5)(a)(2); 13-29; 13-34(a); 13-34(b); 14-2(a)	02-09-2009
Case Inspections Text	Property failed reinspection per inspector Tuchette Torres. February 20, 2009 4:13:05 PM danilxg	04-20-2009
Case Inspections Text	Property failed reinspection per inspector Tuchette Torres. May 15, 2009 4:32:09 PM danilxg	05-15-2009
Case Board Meetings	Compliance by May 12, 2009 or \$250.00 per day fine per Special Magistrate Mark Berman at the hearing. April 20, 2009 2:38:43 PM daniszp	07-08-2009
Case Inspections Text	Property failed reinspection per Inspector Eric Walton. October 29, 2009 8:52:04 AM DANITXT	10-29-2009
Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman. Extension granted to the April 8, 2010 hearing per Special Magistrate Mitch Kraft at the March 8, 2010 hearing. July 22, 2009 4:01:39 PM danilxg March 11, 2010 3:55:23 PM DANITXT	04-08-2010
Case Board Meetings	Authorization to sue for money judgement granted per Special Magistrate Mark Berman at the April 8,2010 Special Magistrate hearing. April 13, 2010 12:39:58 PM DANITXT	06-01-2011
Case Narrative	Per Tim Ryan's office: City accepted settlement for 09-0202, 09-0925, 2012-0985, and 2014-2169 in the amount of \$5,872.02. Send to 9/2/2015 LW 6/29/15	06-29-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	02-04-2009
HISTORICAL - DMS Violation Letter	02-09-2009
REINSPECTION - REINSPECTION	02-19-2009
POST HEARING - POST BOARD	05-12-2009
F-TITLE SEARCH - TITLE SEARCH	05-18-2009

FORECLOSURE - FORECLOSURE REINSPECTION	10-09-2009
F-TITLE SEARCH - TITLE SEARCH	11-13-2009
HISTORICAL - DMS Affidavit of Service	03-23-2010

Case Violations

1	CE008021127002 - DBCC 8-21(a)(2)(g) Windows must fully operate	DBCC 8-21(a)(2)(g) states all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	ACTIVE	02/09/2009
2	CE008021141001 - DBCC 8-21(a)(4)(a) Building Condition	DBCC 8-21(a)(4)(a) requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and all other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair.	ACTIVE	02/09/2009
3	CE008021151101 - DBCC 8-21(a)(5)(a)(1) Building Maintenance	DBCC 8-21(a)(5)(a)(1) states the exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks.	ACTIVE	02/09/2009
4	CE008021151201 - DBCC 8-21(a)(5)(a)(2) Paint Maintenance	DBCC 8-21(a)(5)(a)(2) states all surfaces requiring painting or which are otherwise protected from the elements shall be kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.	ACTIVE	02/09/2009
5	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	02/09/2009
6	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	02/09/2009
7	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	02/09/2009
8	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.	ACTIVE	02/09/2009

Case Number: 09-0925

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
05-19-2009

Status:
Active

Status Date:

Default Inspector:
Tuchette Torres

Cited Address:
231 SW 9 ST

Folio Number:

Cited Party:
JOSEPH DOBSON

Note Type

Case Notes

Date

INSPECTOR NAME	ERIC WALTON	05-19-2009
INSPECTOR NAME	TUCHETTE TORRES	05-19-2009
Case Narrative	Vio.Let. - 5-2e	05-20-2009
Case Inspections Text	Property failed reinspection per inspector Tuchette Torres. June 22, 2009 10:55:25 AM danilxg	06-24-2009
Case Inspections Text	Property failed reinspection per inspector Tuchette Torres. August 19, 2009 9:20:22 AM danilxg	08-20-2009
Case Board Meetings	Compliance by August 18, 2009 or \$250.00 per day fine per Special Magistrate Mark Berman at the July 9, 2009 hearing. July 28, 2009 3:20:29 PM daniszp	09-02-2009
Case Inspections Text	CASE WILL BE TRANSFERRED TO INSPECTOR EW. January 7, 2010 9:10:47 AM DANITXT Property failed reinspection on 3.1.10 per Inspector Eric Walton. March 9, 2010 11:21:34 AM DANITXT	03-09-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft at the September 3, 2009 hearing. September 17, 2009 8:28:26 AM daniszp	04-08-2010
Case Board Meetings	Authorization to sue for money judgement granted per Special Magistrate Mark Berman at the April 8,2010 Special Magistrate hearing. April 13, 2010 12:40:21 PM DANITXT	04-13-2010
Case Narrative	Per Tim Ryan's office: City accepted settlement for 09-0202, 09-0925, 2012-0985, and 2014-2169 in the amount of \$5,872.02. Send to 9/2/2015 LW 6/29/15	06-29-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	05-19-2009
HISTORICAL - DMS Violation Letter	05-20-2009
REINSPECTION - REINSPECTION	06-19-2009
HISTORICAL - DMS Affidavit of Service	06-25-2009

POST HEARING - POST BOARD	08-18-2009
HISTORICAL - DMS Affidavit of Service	08-20-2009
F-TITLE SEARCH - TITLE SEARCH	08-20-2009
FORECLOSURE - FORECLOSURE REINSPECTION	12-03-2009
FORECLOSURE - FORECLOSURE REINSPECTION	02-16-2010
F-TITLE SEARCH - TITLE SEARCH	03-09-2010
HISTORICAL - DMS Affidavit of Service	03-23-2010

Case Violations

1	CE005002005001 - DBCC 5-2(e) Too Many Dogs	DBCC 5-2(e) states it shall be unlawful for any person to keep more than three (3) dogs.	ACTIVE	05/19/2009
---	---	--	--------	------------

CASE INSPECTION NOTES	Per Insp. Urow: Submitted Public Services work order #2013-4200 to abate the nuisances (trim trees obstructing alleyway, cut grass, remove debris) on 12/5/13. LW 12/5/13	12-05-2013
CASE ACTIVITY NOTES	Per T/S results received 12/31/2013. Do not set case for Auth. to foreclose. If the violations still exist, City should cite new owner after mortgage foreclosure sale on 1/28/14. LW 12/31/13	12-31-2013
CASE ACTIVITY NOTES	Per Tim Ryan's office: City accepted settlement for 09-0202, 09-0925, 2012-0985, and 2014-2169 in the amount of \$5,872.02. Send to 9/2/2015 LW 6/29/15	06-29-2015

Case Activity Comments

--	--

Case Violations

1	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.	10/11/2012
2	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.	10/11/2012
3	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.	10/11/2012
4	CE005011210001 - DBCC 5-11(b) (1) Animal Nuisance	DBCC 5-11(b)(1) states it is unlawful for any person to own, keep, possess, or maintain an animal in such a manner so as to constitute a public nuisance, which includes allowing or permitting any animal to habitually bark, whine, howl, crow, cackle, or make other loud noise resulting in a serious annoyance to or interference with the peace and quiet of neighboring residents.	10/11/2012

Case Number: 2014-00002169

Case Type:
Notice of Violation

Case Description:
Initial case

Case Start Date:
10-27-2014

Status:
Active

Status Date:

Default Inspector:
Ricky Ali

Cited Address:
231 SW 9 ST

Folio Number:
5142-03-21-0070

Cited Party:
US Bank Trust NA Trstee

Note Type

Case Notes

Date

CASE HEARING NOTES	CASE HEARING NOTES	11-03-2014
CASE INSPECTION NOTES	CASE INSPECTION NOTES	11-03-2014
CASE ACTIVITY NOTES	Per Insp Ali: NOV posted on 10/27/14, also mailed. JC 11/3/14	11-03-2014
CASE INSPECTION NOTES	Per Insp. Ali: Case failed re-inspection 11/5/14. Send to next available hearing. LW 11/17/14	11-17-2014
CASE HEARING NOTES	Per Mark Berman at the 1/8/2015 Special Magistrate hearing, the following was ordered: Compliance by February 17, 2015 or \$200.00 per day fine. \$100.00 administrative fee assessed. LW 1/9/15	01-09-2015
CASE INSPECTION NOTES	Per Insp. Ali: Case failed post-board inspection 3/2/15. Send to T/S for confirmation of fines. LW 3/13/14	03-13-2015
CASE ACTIVITY NOTES	Per Tim Ryan's office: City accepted settlement for 09-0202, 09-0925, 2012-0985, and 2014-2169 in the amount of \$5,872.02. Send to 9/2/2015 LW 6/29/15	06-29-2015

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.	10/27/2014
2	CE008021141001 - DBCC 8-21(a)(4)(a) Building Condition	DBCC 8-21(a)(4)(a) requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and all other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair.	10/27/2014

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.		10/27/2014
4	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.		10/27/2014
5	CE022005009541 - DBCC 22-5(i)(5) (d) Tree Height Maintenance	DBCC 22-5(i)(5)(d) states all trees shall be kept trimmed by the abutting property owner or tenant and shall have a clearance of at least eight (8) feet above the sidewalk and fourteen (14) feet above the street level so as to permit pedestrian and vehicular traffic beneath them without interference.		10/27/2014
6	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.		10/27/2014

City of Dania Beach

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

OWNER: DOBSON,JOSEPH
 DOROTHEA B DOBSON TR
FOLIO: 1203-21-0070
LEGAL: WOODHAVEN AMENDED PLAT 10-56 B LOT 6 BLK 2
ADDRESS: 231 SW 9 STREET

CODE ENFORCEMENT ORDER LIEN							CEB	09-0202	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE		
Date	Date	Amount	Days	FINE	Fee	Total								
5/12/2009	2/10/2015	\$250.00	2,100	\$525,000.00	\$141.00	\$525,141.00	46581	45-50	10/9/2009	113012081	Page 1 of 1	5/27/2015		

CODE ENFORCEMENT ORDER LIEN							CEB	09-0925	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE		
Date	Date	Amount	Days	FINE	Fee	Total								
8/18/2009	2/10/2015	\$250.00	2,002	\$500,500.00	\$141.00	\$500,641.00	46581	51-56	10/9/2009	113012081	Page 1 of 1	5/27/2015		

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	25.50
2	PAGES	SUPPLEMENTAL ORDER	17.00
2	PAGES	RELEASE OF LIEN	18.50
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
			141.00

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-6810

OWNER: JOSEPH DOBSON, DOROTHEA B DOBSON TR
FOLIO: 1203-21-0070
LEGAL: WOODHAVEN AMENDED PLAT 10-56 B LOT BLK 2
ADDRESS: 231 Southwest 9 Street, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 2012-0985			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
1/30/2013	2/10/2015	\$250.00	741	\$185,250.00	\$362.50	\$185,612.50	49907	735-741	6/20/2013	113012081	Page 1 of 1	5/27/2015			

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: DOBSON, JOSEPH, DOROTHEA B DOBSON TR
 FOLIO: 1203-21-0070
 LEGAL: WOODHAVEN AMENDED PLAT 10-56 B LOT 6 BLK 2
 ADDRESS: 231 SW 9 STREET, DANIA BEACH

CLAIM OF LIEN						CASE # 2012-0985			RECORDED			RELEASED		
Interest	Through	Lien	# of	Interest		Interest	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE
Start	Date	Amount	Days	Amount	Per Diem	Amount	Fee	Total						
1/7/2014	2/10/2015	\$61.01	399	0.00032900	\$0.020072	\$8.01	\$103.00	\$172.02	50458	1999	1/7/2014	113012081	Page 1 of 1	5/27/2015

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>