

# 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: Marton Services, 2365 SW 34 Street #3 and #7, Case #09-1960 and Case #09-1964 due to sale of the property.

**Summary Explanation & Background:**

Case #09-1960

This was originally cited on 10/16/2009 for 1 violation and was given 30 days to comply. This went to the Special Magistrate on 1/7/2010 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 2/16/2010 to comply or a fine of \$150.00 per day would be levied. At the 9/2/2010 hearing, Special Magistrate Mitchell Kraft confirmed the fine as a lien. At the 3/3/2011 hearing, Special Magistrate Gordon Linn granted a continuance to 6/2/2011. At the 6/2/2011 hearing, Special Magistrate Mark Berman granted authorization to foreclose. The fines ran from 2/16/2010 through 5/21/15, 1,920 days @ \$150.00 per day = \$288,000.00 plus admin fees of \$258.00 for a total of \$288,258.00.

Case #09-1964

This was originally cited on 10/16/2009 for 1 violation and was given 30 days to comply. This went to the Special Magistrate on 1/7/2010 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 2/16/2010 to comply or a fine of \$100.00 per day would be levied. At the 9/2/2010 hearing, Special Magistrate Mitchell Kraft confirmed the fine as a lien. At the 3/3/2011 hearing, Special Magistrate Gordon Linn granted a continuance to 6/2/2011. At the 6/2/2011 hearing, Special Magistrate Mark Berman granted authorization to foreclose. The fines ran from 2/16/2010 through 5/21/15, 1,920 days @ \$100.00 per day = \$192,000.00 plus admin fees of \$258.00 for a total of \$192,258.00.

This is a motion to accept the settlement offer received by the City due to sale of the property. The City received \$1,000.00 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 sale of the property. The City received \$1,000.00 as settlement for both code cases.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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**City Manager**

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**City Clerk**

Case Number: 09-1960

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
10-14-2009

Status:  
Active

Status Date:

Default Inspector:  
HISTORICAL CE  
INSPECTOR

Cited Address:  
2365 SW 34 ST

Folio Number:

Cited Party:  
MARTON SERVICES INC

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	10-14-2009
INSPECTOR NAME	MICHAEL RINALDI	10-14-2009
Case Narrative	Vio.Let. - 15-1	10-19-2009
Case Inspections Text	Property failed reinspection per Inspector Mike Rinaldi. November 18, 2009 4:40:17 PM DANITXT	11-18-2009
Case Board Meetings	Compliance by February 16, 2010 or \$150.00 per day fine per Special Magistrate Mark Berman at the January 7, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. January 19, 2010 4:19:58 PM DANITXT	02-03-2010
Case Inspections Text	Property failed reinspection on 2.17.10 per Inspector Mike Rinaldi. February 18, 2010 1:23:06 PM DANITXT	02-18-2010
Case Inspections Text	Property failed reinspection on 12.8.10 per Inspector Gary Phaneuf. December 10, 2010 3:25:05 PM DANITXT.	12-10-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft at the September 2, 2010 Special Magistrate hearing. September 7, 2010 2:41:59 PM DANITXT.	12-22-2010
Case Board Meetings	Continuance granted to the June 2, 2011 Special Magistrate hearing per Special Magistrate Gordon Linn at the March 3, 2011 Special Magistrate hearing. March 4, 2011 8:50:49 AM DANITXT.	03-04-2011
Case Board Meetings	Authorization to foreclose granted per Special Magistrate Mark Berman at the June 2, 2011 Special Magistrate. June 7, 2011 11:50:01 AM DANITXT.	06-07-2011
Case Inspections Text	Per Tim Ryan's office settlement accepted for this case and case #09-1964 for \$1,000.00 on 6/1/15. Send to 9/2/15 Commission Abatement Hearing. LW 7/17/15	07-17-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	10-14-2009
HISTORICAL - DMS Violation Letter	10-19-2009

REINSPECTION - REINSPECTION	11-18-2009
POST HEARING - POST BOARD	02-16-2010
F-TITLE SEARCH - TITLE SEARCH	06-24-2010
FORECLOSURE - FORECLOSURE REINSPECTION	12-01-2010
F-TITLE SEARCH - TITLE SEARCH	12-22-2010

### 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	10/14/2009
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Case Number: 09-1964

Case Type:  
Notice of Violation

Case Description:  
MINIMUM STANDARDS

Case Start Date:  
10-14-2009

Status:  
Active

Status Date:

Default Inspector:  
HISTORICAL CE  
INSPECTOR

Cited Address:  
2365 SW 34 ST

Folio Number:

Cited Party:  
MARTON SERVICES INC

Note Type

Case Notes

Date

INSPECTOR NAME	GARY PHANEUF	10-14-2009
INSPECTOR NAME	MICHAEL RINALDI	10-14-2009
Case Narrative	Vio.Let. - 15-1	10-19-2009
Case Inspections Text	Property failed reinspection per Inspector Mike Rinaldi. November 18, 2009 4:39:21 PM DANITXT	11-18-2009
Case Board Meetings	Compliance by February 16, 2010 or \$100.00 per day fine per Special Magistrate Mark Berman at the January 7, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. January 19, 2010 4:22:03 PM DANITXT	02-03-2010
Case Inspections Text	Property failed reinspection on 2.17.10 per Inspector Mike Rinaldi. February 18, 2010 1:22:33 PM DANITXT	02-18-2010
Case Board Meetings	Fine confirmed per Special Magistrate Mitch Kraft at the September 2, 2010 Special Magistrate hearing. September 7, 2010 2:40:22 PM DANITXT.	09-07-2010
Case Inspections Text	Property failed reinspection on 12.8.10 per Inspector Gary Phaneuf. December 10, 2010 3:26:56 PM DANITXT.	12-10-2010
Case Board Meetings	Continuance granted to the June 2, 2011 Special Magistrate hearing per Special Magistrate Gordon Linn at the March 3, 2011 Special Magistrate hearing. March 4, 2011 8:40:03 AM DANITXT.	03-04-2011
Case Board Meetings	Authorization to foreclose granted per Special Magistrate Mark Berman at the June 2, 2011 Special Magistrate. June 7, 2011 11:50:45 AM DANITXT.	06-07-2011
Case Inspections Text	Per Tim Ryan's office settlement accepted for this case and case #09-1960 for \$1,000.00 on 6/1/15. Send to 9/2/15 Commission Abatement Hearing. LW 7/17/15	07-17-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	10-14-2009
HISTORICAL - DMS Violation Letter	10-19-2009

REINSPECTION - REINSPECTION	11-18-2009
POST HEARING - POST BOARD	02-16-2010
F-TITLE SEARCH - TITLE SEARCH	06-24-2010
FORECLOSURE - FORECLOSURE REINSPECTION	12-01-2010
F-TITLE SEARCH - TITLE SEARCH	12-22-2010

### Case Violations

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# City of Dania Beach

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

**OWNER:** MARTON SERVICES INC  
**FOLIO:** 0220-30-0030  
**LEGAL:** KAHN ADDITION 125-39 B PART OF PARCEL A DESC'D AS, COMM AT SE COR OF PARCEL A,N ALG E/L PARCEL A FOR 82.98, W 5.25 TO POB, CONT W 65.33, S 24.06, E 65.33 N 24.06 TO POB AKA: UNIT 3  
**ADDRESS:** 2365 SW 34 STREET

CODE ENFORCEMENT ORDER LIEN							CEB 09-1960.			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	Inst. #	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
2/16/2010	5/21/2015	\$150.00	1,920	\$288,000.00	\$258.00	\$288,258.00	47713	1941-1946	2/11/2011	113123948	1 of 1	7/21/2015			

This fine is still active and accruing at daily rate.

To calculate additional daily amount (x) **\$150.00** by the # of days after **5/21/2015**

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

**REVISED 7/24/2015**

**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>

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

**OWNER:** MARTON SERVICES INC  
**FOLIO:** 0220-30-0070  
**LEGAL:** KAHN ADDITION 125-39 B PART OF PARCEL A DESC'D AS, COMM AT SE COR OF PARCEL A,N ALG E/L PARCEL A FOR 179.22, W 5.25 TO POB, CONT W 65.33, S 24.06, E 65.33 N 24.06 TO POB AKA: UNIT 7  
**ADDRESS:** 2365 SW 34 STREET #7

CODE ENFORCEMENT ORDER LIEN							CEB 09-1964.			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
2/16/2010	5/21/2015	\$100.00	1,920	\$192,000.00	\$258.00	\$192,258.00	47713	1954-1959	2/11/2011	113123948	Page 1 of 1	7/21/2015			
							47713	1941	2/11/2011	113123948	Page 1 of 1	7/21/2015			

This fine is still active and accruing at daily rate.

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**REVISED 7/24/2015**

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		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
			<b>258.00</b>