

# 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: CitiBank NA (Judith Dorian property), 50 SE 10 Street, Case #11-0819 and Case #2014-2089 due to foreclosure.

**Summary Explanation & Background:**

Case #11-0819

This was originally cited on 6/9/2011 for 9 violations, and was given 14 days to comply. This went to the Special Magistrate on 9/8/2011 for 8 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 10/18/2011 to comply or a fine of \$200.00 per day would be levied. At the 12/8/2011 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 10/8/2011 through 6/24/2015, 1,345 days @ \$200.00 per day = \$269,000.00 plus admin fees of \$254.00 for a total of \$269,254.00.

Case #2014-2089

This case was originally cited on 10/14/14 for 1 violation and was given 5 days to comply. This went to the Special Magistrate on 1/8/2015 for 1 violation. Special Magistrate Mark Berman issued an order giving the respondent until 2/17/2015 or a fine of \$200.00 per day would be levied. The property complied on 4/28/2015. However, the lien was never recorded and the case is dismissed as part of this settlement. The fine ran from 2/17/2015 through 4/28/2015 for a period of 70 days @ \$200.00 per day = 14,000.00.

This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$8,500.00 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 foreclosure. The City received \$8,500.00 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**



HISTORICAL - DMS Violation Letter	06-09-2011
REINSPECTION - REINSPECTION	06-26-2011
HISTORICAL - DMS Affidavit of Service	08-22-2011
POST HEARING - POST BOARD	10-18-2011
F-TITLE SEARCH - TITLE SEARCH	10-31-2011
FORECLOSURE - FORECLOSURE REINSPECTION	03-08-2012

### 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.	ACTIVE	05/27/2011
2	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	05/27/2011
3	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	05/27/2011
4	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	05/27/2011
5	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	05/27/2011
6	CE008021151301 - DBCC 8-21(a)(5)(a)(3) Parking Maintenance	DBCC 8-21(a)(5)(a)(3) states all off street parking spaces shall be paved with asphalt or constructed of concrete or block, and shall be of smooth surface and in good repair.	ACTIVE	05/27/2011
7	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	05/27/2011
8	CE013074003002 - DBCC 13-74(c) Garbage/Trash receptacles in R/W	DBCC 13-74(c) states all garbage carts and all other receptacles shall be removed from the right of way and from the front yard no later than dusk of the day of collection.	ACTIVE	05/27/2011
9	CE022021000001 - DBCC 22-21 Sidewalk Maintenance	DBCC 22-21 states it is the duty of each owner of abutting property to construct or reconstruct, and to maintain and keep in uniform repair sidewalks in front of or abutting upon the property.	ACTIVE	05/27/2011

Case Number: 2014-00002089

Case Type:  
Notice of Violation

Case Description:  
Initial case

Case Start Date:  
10-14-2014

Status:  
Active

Status Date:

Default Inspector:  
Ricky Ali

Cited Address:  
50 SE 10 TER

Folio Number:  
5142-03-13-0290

Cited Party:  
Citibank NA Trstee; % Ocwen  
Loan Servicing LLC

Note Type

Case Notes

Date

CASE HEARING NOTES	CASE HEARING NOTES	10-20-2014
CASE INSPECTION NOTES	CASE INSPECTION NOTES	10-20-2014
CASE ACTIVITY NOTES	Per Insp Ali: NOV posted on 10/14/14, also mailed. JC 10/20/14	10-20-2014
CASE INSPECTION NOTES	Per Insp. Ali: Case failed re-inspection 11/05/14. 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 3/6/15. Send to T/S for confirmation of fines LW 3/13/15	03-13-2015
CASE INSPECTION NOTES	Per Insp. Ali: Case violations complied 4/28/15. Case remains open due to fines and admin fee. File in T/S drawer LW 4/28/15	04-28-2015
CASE INSPECTION NOTES	Per Tim Ryan's office - Settlement received in the amount of \$8,500 for 11-0819 and 2014-2089. Send to 9/2/15 Commission Abatement Hearing LW 8/4/15	08-05-2015

Case Activity Comments

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Case Violations

1	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.		10/14/2014
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# City of Dania Beach

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

OWNER: JUDITH K DORIAN  
 FOLIO: 1203-13-0290  
 LEGAL: HIGHLAND SQUARE 7-5 B LOT 25 BLK B  
 ADDRESS: 50 SOUTHEAST 10 TERRACE

CODE ENFORCEMENT ORDER LIEN							CEB 11-0819		RECORDED		RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	INST #	PAGE	DATE	
Date	Date	Amount	Days	FINE	Fee	Total							
10/18/2011	6/24/2015	\$200.00	1,345	\$269,000.00	\$254.00	\$269,254.00	49092	497-503	9/20/2012	113164602	1 OF 1	8/11/2015	

COMPLIED 6/4/15

## 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
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			254.00