

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: Green Tree Servicing (formerly Salomon Teboul property) 4437 SW 24 Avenue, Case #12-0243 and Case #2014-1362 due to sale of the property.

Summary Explanation & Background:

Case #12-0243

This was originally cited on 4/2/2012 for 5 violations and was given 14 days to comply. This went to the Special Magistrate on 12/7/2013 for 2 violations. Special Magistrate Mark Berman issued an order giving the respondent until 3/19/2013 to comply or a fine of \$100.00 per day would be levied. At the 7/11/2013 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. The fines ran from 3/19/2013 through 12/17/2013, 273 days @ \$100.00 per day = \$27,300.00 plus admin fees of \$254.00 for a total of \$27,554.00.

Case #2014-1362

This was originally cited on 7/21/14 for 4 violations and was given 10 days to comply. This went to the Special Magistrate on 11/6/2014 for 4 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 12/16/2014 to comply or a fine of \$200.00 per day would be levied. However the lien was not recorded and the case was dismissed as part of this settlement. The fines ran from 12/16/2014 through 4/10/15, 115 days @ \$200.00 per day = \$23,000.00

This is a motion to accept the settlement offer received by the City due to sale of the property. 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 sale of the property. The City received \$8,500.00 as settlement for both code cases.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 12-0243

Case Type:
Notice of ViolationCase Description:
MINIMUM STANDARDSCase Start Date:
03-22-2012Status:
Active

Status Date:

Default Inspector:
Warren OstrofskyCited Address:
4437 SW 24 AVEFolio Number:
5042-29-01-1501Cited Party:
SALOMON TEBOUL

Note Type

Case Notes

Date

Note Type	Case Notes	Date
INSPECTOR NAME	WARREN OSTROFSKY	03-22-2012
Case Narrative	8-21(A)(5)(A)(2),13-34(A),13-34(C),13-74(C),FBC 105.1 March 30, 2012 10:05:30 AM daninxl.	03-30-2012
CASE INSPECTION NOTES	CASE INSPECTION NOTES	09-05-2012
CASE INSPECTION NOTES	Per Insp Ostrofsky: extension granted on 5/8/12 until 6/8/12. KM 9/5/12	09-05-2012
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed reinspection on 11/30/12. Send to next available hearing. KM 12/3/12	12-03-2012
CASE HEARING NOTES	CASE HEARING NOTES	02-11-2013
CASE HEARING NOTES	Per Special Magistrate Mark Berman, at the 2/7/13 hearing, the following was ordered: Compliance by March 19, 2013 or \$100.00 per day fine. \$100 administrative fee assessed. KM 2/11/13	02-11-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed post hearing reinspection on 3/19/13. Send to T/S for confirmation. KM 3/22/13	03-22-2013
Case Narrative	Per T/S results received on 4/19/13: send case to next available hearing for confirmation. KM 4/23/13	04-23-2013
CASE HEARING NOTES	Per Special Magistrate Gordon Linn, at the 7/11/13 hearing, the following was ordered: Fine confirmed. KM 7/16/13	07-16-2013
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure inspection 11/26/13, Send to T/S for further action (money judgment or authorization to foreclose). LW 12/6/13	12-06-2013
Case Narrative	Per T/S results received 12/31/2013. Do not set case for Auth. to foreclose since Final Judgment of Foreclosure was entered on September 4, 2013. If violations still exist, issue NOV to new owner which as of today, still has not been identified. LW 12/31/13	12-31-2013
Case Narrative	Per Tim Ryan's office, settlement of \$8,500.00 accepted for cases 12-0243 and 2014-1362. Send to Commission Abatement Hearing on 9/2/15 LW 7/24/15	07-24-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	03-22-2012
HISTORICAL - DMS Violation Letter	04-02-2012
REINSPECTION - REINSPECTION	04-20-2012

Case Violations

1	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	03/22/2012
2	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	03/22/2012
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.	ACTIVE	03/22/2012
4	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	03/22/2012
5	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	03/22/2012

Case Number: 2014-00001362

Case Type:
Notice of Violation

Case Description:
Initial case

Case Start Date:
07-11-2014

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
4437 SW 24 AVE

Folio Number:
5042-29-01-1501

Cited Party:
Green Tree Servicing LLC

Note Type

Case Notes

Date

CASE ACTIVITY NOTES	Per Insp Ostrofsky: NOV posted on 7/11/14, also mailed. JC 7/21/14	07-21-2014
CASE INSPECTION NOTES	CASE INSPECTION NOTES	07-21-2014
CASE HEARING NOTES	CASE HEARING NOTES	07-21-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 9/4/14. Send to next available hearing LW 9/8/14	09-08-2014
CASE HEARING NOTES	Per Special Magistrate Gordon Linn at the 11/6/14 hearing, the following was ordered: Compliance by December 16, 2014 or \$200.00 per day fine. Authorization to abate the nuisances by cutting the overgrowth, and cleaning the trash and debris after December 16, 2014 granted in the interest of public health and safety. \$100.00 administrative fee assessed. LW 11/7/14	11-07-2014
CASE ACTIVITY NOTES	Received admin payment of \$100.00 12/11/14 LW 12/11/14	12-11-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-board 1/14/2015. Send to T/S for confirmation of fines. LW 1/23/15	01-23-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case violations complied 4/10/15. File still in T/S drawer LW 4/15/15	04-15-2015
CASE INSPECTION NOTES	Per T/S results from Tim Ryan's office received 4/29/15, send to 7/9/15 hearing to confirm fines LW 4/20/15	04-30-2015
CASE HEARING NOTES	Per Special Magistrate Judith Secher at the 7/9/15 hearing, the following was ordered: Fine Confirmed LW 7/10/15	07-10-2015
CASE INSPECTION NOTES	Per Tim Ryan's office, settlement of \$8,500.00 accepted for cases 12-0243 and 2014-1362. Send to Commission Abatement Hearing on 9/2/15 LW 7/24/15	07-24-2015

Case Activity Comments

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City of Dania Beach

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

OWNER: SALOMON TEBOUL
FOLIO: 0229-01-1501
LEGAL: MARSHALLS EVERGLADES SUB 2-32 D 29-50-42 TR 7 N 60 OF S 302 OF W 1/2 LESS PT INC IN OR 4248/32 FOR RD BLK 4
ADDRESS: 4437 Southwest 24 Avenue, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN							CEB 12-0243			RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE			
Date	Date	Amount	Days	FINE	Fee	Total									
3/19/2013	12/17/2013	\$100.00	273	\$27,300.00	\$254.00	\$27,554.00	50047	93-98	8/2/2013	113140843	Page 1 of 1	7/29/2015			

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
3	PAGES	FINAL ORDER	32.00
2	PAGES	SUPPLEMENTAL ORDER	17.00
1	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