

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: L Lucas & S Spassoff Revocable Trust, 2543 SW 58 Manor, Case #2012-1027 due to sale of property.

Summary Explanation & Background:

Case #2012-1027

This was originally cited on 10/17/2012 for 7 violations, and was given 30 days to comply. This went to the Special Magistrate on 1/20/2013 for 7 violations. Special Magistrate Gordon Linn issued an order giving the respondent until 2/19/2013 to comply or a fine of \$150.00 per day would be levied. At the 6/6/2013 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 2/19/2013 through 3/2/2015, 742 days @ \$150.00 per day = \$111,300.00 plus admin fees of \$262.50. for a total of \$111,562.50.

This is a motion to accept the settlement offer received by the City due to sale of the property. The City received \$1,500.00 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 sale of the property. The City received \$1,500.00 as settlement for the code case.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 2012-00001027

Case Type:
Notice of Violation

Case Description:
Initial Case

Case Start Date:
10-17-2012

Status:
Active

Status Date:

Default Inspector:
Warren Ostrofsky

Cited Address:
2543 SW 58 MNR

Folio Number:
5042-32-21-0041

Cited Party:
L Lucas & S Spassoff REV TR

Note Type

Case Notes

Date

| | | |
|-----------------------|---|------------|
| CASE ACTIVITY NOTES | CASE ACTIVITY NOTES | 11-02-2012 |
| CASE INSPECTION NOTES | CASE INSPECTION NOTES | 11-02-2012 |
| CASE HEARING NOTES | CASE HEARING NOTES | 11-02-2012 |
| CASE ACTIVITY NOTES | Initial inspection of site completed 4/24/12. KM 11/2/12 | 11-02-2012 |
| CASE ACTIVITY NOTES | NOV approved and mailed on 11/7/12. KM 11/6/12 | 11-06-2012 |
| CASE INSPECTION NOTES | Per Insp Ostrofsky: case failed reinspection on 11/20/12. Send to next available hearing. KM 11/26/12 | 11-26-2012 |
| CASE HEARING NOTES | Per Special Magistrate Gordon Linn, at the 1/10/13 hearing, the following was ordered: Compliance by February 19, 2013 or \$150.00 per day fine. \$100.00 administrative fee assessed. KM 1/24/13 | 01-24-2013 |
| CASE INSPECTION NOTES | Per Insp Ostrofsky: case failed post hearing reinspection on 2/19/13. Send to T/S for confirmation. KM 2/20/13 | 02-20-2013 |
| CASE ACTIVITY NOTES | Per T/S results received on 3/25/13: set case for next available hearing for confirmation. KM 3/25/13 | 03-25-2013 |
| CASE HEARING NOTES | Per Special Magistrate Mark Berman, at the 6/6/13 hearing, the following was ordered: Fine confirmed. KM 6/7/13 | 06-07-2013 |
| CASE INSPECTION NOTES | Per Insp. Ostrofsky: Case failed foreclosure inspection 9/20/2013. Send to T/S LW 10/1/2013 | 10-01-2013 |
| CASE ACTIVITY NOTES | Per T/S results received 12/27/2013. Do not set case for Auth. to foreclose due to pending foreclosure action. Tim Ryan's office will continue to monitor. LW 12/31/13 | 12-31-2013 |
| CASE INSPECTION NOTES | Per Tim Ryan's office: Property was foreclosed on by BOA. This case is closed but lien remains active with a compliance date of when new case against BOA will be opened. LW 3/2/15 | 03-02-2015 |
| CASE ACTIVITY NOTES | Received settlement from Tim Ryan's office 5/21/15 for \$1,500.00. Put case on Commission Abatement Agenda for 9/2/15 LW 5/21/15 | 05-21-2015 |

Case Activity Comments

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. | | 10/17/2012 |
| 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. | | 10/17/2012 |
| 3 | CE008021145001 - DBCC 8-21(a)(4)(e) Electrical Condition | DBCC 8-21(a)(4)(e) requires all electrical wiring and accessories to be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition. | | 10/17/2012 |
| 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. | | 10/17/2012 |
| 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. | | 10/17/2012 |
| 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. | | 10/17/2012 |
| 7 | 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. | | 10/17/2012 |

City of Dania Beach

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

OWNER: L LUCAS & S SPASSOFF REV TR L LUCAS & S SPASSOFF TRUSTEES
FOLIO: 0232-21-0041
LEGAL: LABEAU ACRES UNIT 3 82-11 B POR OF LOT 81 DESC AS:BEG AT SW COR SAID LOT, N 125, E 42.89,S 63.96,W 13.90,S 8.50,W 8,
 S 29.70 E 5.91, S 23.30, W 26.90 TO POB AKA: UNIT B
ADDRESS: 2543 Southwest 58 Manor, Dania Beach, Florida

| CODE ENFORCEMENT ORDER LIEN | | | | | | | CEB 2012-1027 | | | RECORDED | | | RELEASED | |
|-----------------------------|----------|----------|------|--------------|----------|--------------|---------------|---------|-----------|-----------------|-------------|-----------|----------|--|
| Start | Through | Lien | # of | TOTAL | Record | | BOOK | PAGE | DATE | BOOK/INSTRUMENT | PAGE | DATE | | |
| Date | Date | Amount | Days | FINE | Fee | Total | | | | | | | | |
| 2/19/2013 | 3/3/2015 | \$150.00 | 742 | \$111,300.00 | \$262.50 | \$111,562.50 | 49907 | 494-500 | 6/20/2013 | 113012082 | Page 1 of 1 | 5/27/2015 | | |

This fine is still active and accruing at daily rate.

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 | 100.00 |
| | | | 262.50 |