

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** February 22, 2016

**Agenda Item #:**

**Title: Request for Abatement**

**Requested Action:**

Approval of the settlement received for: Kathleen Joyce Rivers, 279 SW 8 ST, Case # 08-1668

**Summary Explanation & Background:**

This was originally cited on 8/21/08 for 3 violations. This went to the Special Magistrate on 12/4/08 for 3 violations. The Special Magistrate issued an order giving the respondent until 09/17/09 to comply or a fine of \$150.00 per day would be levied. At the 12/3/10 hearing, the Special Magistrate confirmed the fine as a lien. The fine ran from 09/17/09 through 10/27/15, 2,231 days @ \$150.00 per day = \$334,650.00 plus recording/admin fees of \$254.00, for a total of \$334,904.00. The City received \$6,500 for code fines settlement.

**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 request to accept the settlement offer received by the City due to sale of the property. The City received \$6,500 for a settlement for code fines

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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**City Manager**

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**City Clerk**

**Case Number: 08-1668**

**Case Type:**  
**Notice of Violation**

**Case Description:**  
**MINIMUM STANDARDS**

**Case Start Date:**  
**08-21-2008**

**Status:**  
**Active**      **Status Date:**

**Default Inspector:**  
**Eric Walton**

**Cited Address:**  
**279 SW 8 ST**

**Folio Number:**

**Cited Party:**  
**KATHLEEN JOYCE RIVERS**

Note Type	Case Notes	Date
INSPECTOR NAME	ERIC WALTON	08-21-2008
INSPECTOR NAME	NICHOLAS LUPO	08-21-2008
INSPECTOR NAME	TUCHETTE TORRES	08-21-2008
Case Narrative	Vio.let. - 28-4.20a; 28-4.20d; FBC 105.1	08-29-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton.    October 6, 2008 2:48:19 PM    danilxg	10-06-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton.    March 19, 2009 9:46:03 AM    danilxg	03-19-2009
Case Other Actions	Sent for Title Search	04-24-2009
Case Board Meetings	Sipulated agreement. Compliance by March 14, 2009 or    \$150.00 per day fine ordered per Special Magistrate Gordon    Linn.	07-08-2009
Case Inspections Text	Property failed reinspection per Inspector Eric Walton.    September 18, 2009 4:16:11 PM    danilxg	09-18-2009
Case Board Meetings	Extension granted until September 17, 2009 per Special    Fine confirmed per Special Magistrate Mitch Kraft at the    December 3, 2010 Special Magistrate hearing. \$100.00    Magistrate Mark Berman at the July 9, 2009 hearing.    July 28, 2009 3:29:52 PM    daniszp    administrative fee is assessed.    December 8, 2009 9:12:42 AM    DANITXT    Lien wasn't recorded,lien sent to be recorded.    June 1, 2011 10:01:16 AM    DANITXT.	08-17-2011
Case Inspections Text	Property failed reinspection on 9/13/11 per Inspector Eric    Walton.    September 20, 2011 10:27:32 AM    DANISGA.	09-26-2011
Case Inspections Text	Check status of foreclosure	01-09-2012
Case Inspections Text	Per title search, there is pending foreclosure litigation,    so the case will be held until a judgment is rendered.    January 9, 2012    9:37:49 AM    daninxl.	01-10-2012
Case Other Actions	Settlement received 9/17/15.  AL 11/4/15	11-04-2015

### Case Activity Comments

INITIAL - INITIAL INSPECTION	08-21-2008
HISTORICAL - DMS Violation Letter	08-29-2008
REINSPECTION - REINSPECTION	09-28-2008
HISTORICAL - DMS Affidavit of Service	11-18-2008
POST HEARING - POST BOARD	03-14-2009
F-TITLE SEARCH - TITLE SEARCH	03-26-2009
HISTORICAL - DMS Affidavit of Service	06-25-2009
POST HEARING - POST BOARD	09-17-2009
F-TITLE SEARCH - TITLE SEARCH	09-28-2009
FORECLOSURE - FORECLOSURE REINSPECTION	09-05-2011
F-TITLE SEARCH - TITLE SEARCH	11-28-2011
F-FOLLOW UP - UPDATE	04-06-2012

### Case Violations

1	CE028004020101 - DBCC 28-4.20 (a) Application of Regulations	DBCC 28-4.20(a) states no building shall be erected, added on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this chapter for the district in which the building or land is located.	ACTIVE	08/21/2008
2	CE028004020401 - DBCC 28-4.20 (d) Prohibited Use	DBCC 28-4.20(d) states any use not specifically listed in the Schedule of Regulations as a permitted use or a special exception use is prohibited in all zoning districts.	ACTIVE	08/21/2008
3	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	08/21/2008

# City of Dania Beach

100 W. Dania Beach B  
 Dania Beach, FL 33  
 954-924-6800 Ext. 3

**OWNER:** KATHLEEN JOYCE RIVERS & NORBERTO RODRIGUEZ  
**FOLIO:** 1203-41-0130  
**LEGAL:** DANIA HOMESITES 28-40 B LOT 4 BLK 2  
**ADDRESS:** 279 SW 8 STREET

CODE ENFORCEMENT ORDER LIEN						CEB 08-1668	RECORDED			RELEASED	
Start Date	Through Date	Lien Amount	# of Days	Total Fine	Record Fee	Total	BOOK	PAGE	DATE	BOOK	PAGE
9/17/2009	10/27/2015	\$150.00	2,231	\$334,650.00	\$254.00	\$334,904.00	47949	1442-1448	6/2/2011	113312040	Page 1 to 1

This fine is still active and accruing at daily rate.

To calculate additional daily amount (x) **\$150.00** by the # of days after **10/27/2015**

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

**REVISED 2/19/2016**  
**CORI MAYO**  
*Accts. Receivable & Liens*

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
			<b>254.00</b>