

# 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: N & D Holding Inc., 2822 Griffin Rd,  
Case # 13-0063, 14-0739, & 14-0744

**Summary Explanation & Background:**

For case #13-0063: This was originally cited on 1/22/13 for 2 violations. This went to the Special Magistrate on 5/2/13 for 2 violations. The Special Magistrate issued an order giving the respondent until 7/11/13 to comply or a fine of \$150.00 per day would be levied. At the 6/4/15 hearing, Special Magistrate Bruce Jolly confirmed the fine as a lien. The property was brought into compliance on 11/6/15. The fines ran from 7/11/13 through 11/6/15, 145 days @ \$150.00 per day = \$21,750.00

For case #14-0739: This was originally cited on 5/7/14 for 1 violation. This went to the Special Magistrate on 8/7/14 for 1 violation. The Special Magistrate issued an order giving the respondent until 10/16/14 to comply or a fine of \$150.00 per day would be levied. At the 3/15/15 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The property was brought into compliance on 5/13/15. The fines ran from 10/16/14 through 5/13/15, 209 days @ \$15.00 per day = \$31,350.00.

For case #14-0744: This was originally cited on 5/6/14 for 5 violations. This went to the Special Magistrate on 8/7/14 for 1 violation. The Special Magistrate issued an order giving the respondent until 10/16/14 to comply or a fine of \$150.00 per day would be levied. At the 3/15/15 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The property was brought into compliance on 11/12/15. The fines ran from 10/16/14 through 11/12/15, 392 days @ \$150.00 per day = \$58,800.00.

This is a motion to accept the settlement offer received by the City due to sale of property. The City received \$21,800.00 (administrative and recording fees) as settlement for the code cases.

**Exhibits (List):**

- (3) Copy of the history report.
- (1) 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 property. The City received \$21,800.00 (administrative and recording fees) as settlement for the code cases.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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**City Manager**

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**City Clerk 15**

**Case Number: 2013-00000063**

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

**Case Description:**  
**Initial case**

**Case Start Date:**  
**01-16-2013**

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

**Default Inspector:**  
**Warren Ostrofsky**

**Cited Address:**  
**2822 GRIFFIN RD**

**Folio Number:**  
**5042-32-08-0010**

**Cited Party:**  
**N & D Holding Inc**

Note Type	Case Notes	Date
CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	01-18-2013
CASE INSPECTION NOTES	CASE INSPECTION NOTES	01-18-2013
CASE HEARING NOTES	CASE HEARING NOTES	01-18-2013
CASE ACTIVITY NOTES	NOV approved and mailed on 1/22/13. JC 1/22/13	01-22-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed reinspection on 2/21/13.&nbsp;&nbsp; Send to next available hearing. KM 2/22/13	02-22-2013
CASE HEARING NOTES	Per Special Magistrate Gordon Linn, at the 5/2/13 hearing, the following was ordered: Compliance by July 11, 2013 or \$150.00 per day fine.&nbsp;&nbsp; \$125.00 administrative fee assessed.&nbsp;&nbsp;  KM 5/3/13	05-03-2013
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-board 12/10/14. Send to t/s for confirmation of fines LW 12/15/14	12-15-2014
CASE INSPECTION NOTES	Per T/S results received from Tim Ryan's office on 4/17/15, set for 6/4/15 hearing to confirm fine. LW 4/20/15	04-20-2015
CASE HEARING NOTES	Per Special Magistrate Bruce Jolly at the 6/4/15 hearing, the following was ordered: Fine confirmed. Hold recording for 40 days (July 14, 2015) LW 6/5/15	06-05-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case Complied on 11/6/15. AL 11/9/15	11-09-2015
CASE ACTIVITY NOTES	Administrative fee of \$125 paid by cash.  AL 11/10/15	11-10-2015

**Case Activity Comments**

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## Case Violations

1	CE008022110001 - DBCC 8-22(a) (1) Commercial properties nuisance	DBCC 8-22(a)(1) states the exterior of the buildings and structures shall be kept free of all nuisances, unsanitary conditions, and any hazards to the safety of the occupants, customers, pedestrians and other persons utilizing the premises.		01/16/2013
2	CE013034002001 - DBCC 13-34(b) Property & R/W Maintenance	DBCC 13-34(b) states each owner or operator of property within the city shall keep such property and the adjoining unpaved portions of the public rights of way, swales, and/or canal banks clean and free from any accumulation of garbage, trash, and litter.		01/16/2013

**Case Number: 2014-00000739**

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

**Case Description:**  
**Initial case**

**Case Start Date:**  
**05-07-2014**

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

**Default Inspector:**  
**Warren Ostrofsky**

**Cited Address:**  
**4800 SW 28 TER**

**Folio Number:**  
**5042-32-08-0361**

**Cited Party:**  
**N & D Holding Inc**

Note Type	Case Notes	Date
CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	05-09-2014
CASE INSPECTION NOTES	CASE INSPECTION NOTES	05-09-2014
CASE HEARING NOTES	CASE HEARING NOTES	05-09-2014
CASE ACTIVITY NOTES	Per Insp Ostrofsky: NOV posted on 5/7/14. Also, mailed.  JC 5/9/14	05-09-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 6/11/14. Send to next available hearing. LW 6/13/14	06-13-2014
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 8/7/14 hearing, the following was ordered: Compliance by October 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.  LW 8/12/14	08-12-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-board inspection 10/29/14. Send to T/S for confirmation of fines. LW 11/4/14	11-04-2014
CASE INSPECTION NOTES	Per T/S results received 1/15/15, send to next available hearing for confirmation of fines. LW 1/15/15	01-15-2015
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 3/5/15 hearing, the following was ordered: Fine confirmed. LW 3/6/15	03-06-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case violations complied 5/13/15; however outstanding lien/admin still due on case. File in PB drawer. LW 5/15/15	05-15-2015
CASE ACTIVITY NOTES	Admin fee - \$100.00 paid 6/24/15 LW 6/24/15	06-24-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Received abatement request for this case on 6/24/15 . Per City Attorney and Tim Ryan's office - no single abatement or settlement may be offered until all N&D Properties are in compliance. LW 6/26/15	06-29-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure inspection 6/23/15. Send to T/S for authorization to foreclose. LW 6/29/15	06-29-2015

## Case Activity Comments

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### Case Violations

1	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).		05/07/2014
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# City of Dania Beach

100 W. Dania Beach E  
 Dania Beach, FL 33  
 954-924-6

OWNER: N & D HOLDING INC  
 FOLIO: 0232 08 0361  
 LEGAL: JACARANDA HEIGHTS 31-31 B LOT 39 LESS S 20, 40 LESS N 20 BLK 2  
 ADDRESS: 2822 Griffin Road, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN					CEB 2014-0739		RECORDED		RELEASED		
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	Total	BOOK/INSTRUMENT	PAGE	DATE	BOOK	PAG
10/16/2014	2/21/2016	\$150.00	493	\$73,950.00	\$362.50	\$74,312.50	112889264	PAGE 1 TO 6	3/26/2015		

This fine is still active and accruing at daily rate.

To calculate additional daily amount (x)

\$150.00 by the # of days after 2/21/2016

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

REVISED 2/21/2016

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		200.00
			<b>362.50</b>

**Case Number: 2014-00000744**

**Case Type:**  
Notice of Violation

**Case Description:**  
Initial case

**Case Start Date:**  
05-06-2014

**Status:**  
Inactive

**Status Date:**  
01-06-2016

**Default Inspector:**  
Warren Ostrofsky

**Cited Address:**  
2822 GRIFFIN RD

**Folio Number:**  
5042-32-08-0010

**Cited Party:**  
N & D Holding Inc

Note Type	Case Notes	Date
CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	05-09-2014
CASE INSPECTION NOTES	CASE INSPECTION NOTES	05-09-2014
CASE HEARING NOTES	CASE HEARING NOTES	05-09-2014
CASE ACTIVITY NOTES	Per Insp Ostrofsky: NOV posted on 5/6/14.  JC 5/9/14	05-09-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 6/11/14. Send to next available hearing.  LW 6/13/14	06-13-2014
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 8/7/14 hearing, the following was ordered: Compliance by October 16, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed.  LW 8/12/14	08-12-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post-board on 10/20/14. Send to T/S for confirmation of fines. LW 10/23/14	10-23-2014
CASE INSPECTION NOTES	Per T/S results received 1/15/15 from Tim Ryan's office: send to next available hearing for confirmation of fines LW 1/15/15	01-15-2015
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 3/5/15 hearing, the following was ordered: Fine confirmed LW 3/6/15	03-06-2015
CASE ACTIVITY NOTES	Paid Admin fee - \$100.00 6/24/15 LW 6/24/15	06-24-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure inspection 6/23/15. Send to T/S for authorization to foreclose  LW 6/30/15	06-30-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Per T/S results received from Tim Ryan's office on 10/20/15: set for SM hearing on 01/07/16 for authorization to foreclose. AL 10/26/15	10-26-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case complied on 11/12/15 case remains opened due to outstanding fines. AL 11/16/15  	11-16-2015
CASE ACTIVITY NOTES	Case closed with settlement offer received with cases, 13-0063, 14-0739, & 14-0744. AL 1/6/15	01-06-2016



## Case Activity Comments

### Case Violations

1	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.	05/06/2014
2	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.	05/06/2014
3	CE505030040201 - DBLDC 505-30(D)(2) Sign Maintenance	DBLDC 505-30(D)(2) states all signs must be kept in good condition and neat appearance. Every sign together with its framework, braces, angles or other supports shall be maintained in a safe condition, properly secured, supported and braced, and able to withstand wind pressure as required by the building code.	05/06/2014
4	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).	05/06/2014
5	CE505030001001 - DBLDC 505-30(A) Sign Permit Required	DBLDC 505-30(A) states a permit is required prior to the installation or modification of a sign.	05/06/2014