

# 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: Robert Allen & Duong NHI, 1327 SE 2 AVE,  
Case # 08-0112

**Summary Explanation & Background:**

This was originally cited on 1/22/08 for 4 violations. This went to the Special Magistrate on 3/5/09 for 4 violations. The Special Magistrate issued an order giving the respondent until 09/13/08 to comply or a fine of \$150.00 per day would be levied. At the 12/2/10 hearing, the Special Magistrate confirmed the fine as a lien. The fine ran from 9/13/08 through 10/23/15, 2,596 days @ \$150.00 per day = \$389,400.00 plus recording/admin fees of \$356.00, for a total of \$389,756.00. The City received a total settlement of \$6,500 for code fines.

**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 the sale of the property. The City received a total settlement of \$6,500 for code fines.

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

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**City Manager**

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**City Clerk**

**Case Number: 08-0112**

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

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

**Case Start Date:**  
**01-22-2008**

**Status:**  
**Inactive**      **Status Date:**  
**12-02-2016**

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

**Cited Address:**  
**1327 SE 2 AVE**

**Folio Number:**

**Cited Party:**  
**ROBERT ALLEN & DUONG NHI**

<b>Note Type</b>	<b>Case Notes</b>	<b>Date</b>
Case Narrative	Vio letter-15-1; 28-4.20(a); 28-5.36(a); FBC 105.1;	01-22-2008
INSPECTOR NAME	ERIC WALTON	01-22-2008
INSPECTOR NAME	TUCHETTE TORRES	01-22-2008
Case Inspections Text	Extension granted until 3/21/08 per inspector Eric Walton. February 21, 2008 4:00:46 PM danilxg	02-21-2008
Case Inspections Text	Extension granted from 3/21/08 until 4/21/08 per insp. Walton. March 21, 2008 3:33:44 PM danihxc	03-21-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton. April 22, 2008 3:02:40 PM danilxg	04-22-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton. September 15, 2008 11:06:53 AM danilxg	09-15-2008
Case Inspections Text	Property failed reinspection per inspector Eric Walton. January 16, 2009 3:57:27 PM danilxg	01-16-2009
Case Inspections Text	Property failed reinspection per inspector Eric Walton. July 15, 2009 1:42:48 PM danilxg	07-15-2009
Case Board Meetings	Extension granted until July 13, 2009 by Special Magistrate Mitch Kraft at the March 5, 2009 hearing. March 24, 2009 2:20:31 PM daniszp	09-02-2009
Case Inspections Text	Owner spoke with Supervisor Nick Lupo on 12.13.09 askinf or an extension. Gave extension letter today. Case will be set for the next hearing. January 25, 2010 12:04:00 PM DANITXT	01-28-2010
Case Board Meetings	Extension granted until June 12,2010 per Special Magistrate Mitch Kraft at the March 4, 2010 Special Magistrate hearing. March 15, 2010 11:33:29 AM DANITXT	03-15-2010
Case Board Meetings	Extension granted until December 12, 2009 per Special Magistrate Gordon Linn. Extension granted until January 10, 2009 ordered per Special Magsitrate Mitch Kraft at the September 3, 2009 hearing. September 16, 2009 12:38:56 PM daniszp October 13, 2008 1:30:43 PM danilxg	06-23-2010
Case Inspections Text	Property failed reinspection on 6.21.10 per Inspector Eric Walton. June 22, 2010 4:27:03 PM DANITXT.	06-23-2010

Case Board Meetings	Fine confirmed per Special Magistrate Mark Berman at the December 2, 2010 Special Magistrate hearing. \$100 administrative fee is assessed. December 9, 2010 10:13:19 AM DANITXT.	12-09-2010
Case Board Meetings	Stipulated agreement. Compliance by September 13, 2008 or \$150.00 per day fine per Special Magistrate Mark Berman at the June 5, 2008 code hearing. June 16, 2008 3:07:15 PM daniszp	12-10-2010
Case Inspections Text	Reinspection rescheduled to 6.19.11. Lien rerecorded. March 22, 2011 12:05:45 PM DANITXT. Property failed reinspection on 6/20/11 per Eric Walton. July 5, 2011 9:19:37 AM DANISGA.	07-05-2011
Case Inspections Text	Sent to title search-pending response. August 24, 2011 12:50:57 PM danitxt. Per Tim Ryan's office, schedule for mj hearing. September 7, 2011 2:16:46 PM danitxt.	09-09-2011
Case Board Meetings	Authorization to sue for money judgment granted per Special Magistrate Mark Berman at the October 6, 2011 Special Magistrate. October 13, 2011 10:36:49 AM danitxt.	10-24-2011
Case Inspections Text	Per Release of Lien received from Tim Ryan's office case closed property to be recited. AL 12/12/15	02-12-2016

### Case Activity Comments

INITIAL - INITIAL INSPECTION	01-17-2008
HISTORICAL - DMS Violation Letter	01-22-2008
REINSPECTION - REINSPECTION	02-21-2008
REINSPECTION - REINSPECTION	03-21-2008
REINSPECTION - REINSPECTION	04-21-2008
HISTORICAL - DMS Affidavit of Service	05-21-2008
POST HEARING - POST BOARD	09-13-2008
REINSPECTION - REINSPECTION	01-10-2009
HISTORICAL - DMS Affidavit of Service	02-19-2009
POST HEARING - POST BOARD	07-13-2009
HISTORICAL - DMS Affidavit of Service	08-20-2009
POST HEARING - POST BOARD	12-12-2009
POST HEARING - POST BOARD	06-12-2010
F-TITLE SEARCH - TITLE SEARCH	06-23-2010
HISTORICAL - DMS Affidavit of Service	11-15-2010
FORECLOSURE - FORECLOSURE REINSPECTION	03-21-2011
FORECLOSURE - FORECLOSURE REINSPECTION	06-19-2011

### Case Violations

1	CE015001000001 - DBCC 15-1 BTR/License Required	DBCC 15-1 states it is unlawful for any person to engage in, manage or allow anyone on the person's property to engage in or manage any business in the city without having a business tax receipt (previously referred to as a license) from the city.	ACTIVE	01/22/2008
2	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	01/22/2008
3	CE028005036101 - DBCC 28-5.36 (a) Max Height (Front Yard)	DBCC 28-5.36(a) states walls, fences, and hedges located between the front building line and the street right of way line shall not exceed four (4) feet in height.	ACTIVE	01/22/2008
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).	ACTIVE	01/22/2008

# City of Dania Beach

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

**OWNER:** ROBERT & NHI DUONG ALLEN  
**FOLIO:** 1203-07-0130  
**LEGAL:** ST JAMES PARK NORTH 3-33 B LOT 16,17 W 10 BLK 1& N1/2 OF VAC SE 14 ST LYING ADJ & S OF SAID LOTS PER RES 2002-206 PER OR  
**ADDRESS:** 1327 SE 2 AVENUE

CODE ENFORCEMENT ORDER LIEN						CEB 08-0112	RECORDED			RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK	PAGE	DATE
Date	Date	Amount	Days	FINE	Fee	Total						
9/13/2008	2/19/2016	\$150.00	2,715	\$407,250.00	\$356.00	\$407,606.00	47802	841-858	3/23/2011	1.13E+08	1	1/8/2016

This fine is still active and accruing at daily rate.

To calculate additional daily amount (x)  $\$150.00$  by the # of days after 2/19/2016

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
6	PAGES	FINAL ORDER	57.50
11	PAGES	SUPPLEMENTAL ORDER	93.50
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>356.00</b>