

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 5, 2016

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Lonnie Wright Est. & Federal National Mortgage, 134 NW 11 Ave, Case # 12-1108 & 15-1168

Summary Explanation & Background:

For case #12-1108: This was originally cited on 10/15/12 for 8 violations, and was given 30 days to comply. This went to the Special Magistrate on 1/10/13 for 8 violations. The Special Magistrate issued an order giving the respondent until 1/30/13 to comply violations 6, 7, & 8 or a fine of \$200.00 per day would be levied. Compliance by 2/19/13 for violations #1, 2, 3, 4, & 5 or \$200.00 per day fine would be levied. At the 8/1/13 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. Federal National Mortgage Association obtained title to the property by Certificate of Title on 8/12/15 due to foreclosure sale in Nationstar Mortgage, LLC v. Wright Broward County Circuit Court case # 12-02853. For violations 6, 7, & 8, the fines ran from 1/30/13 through 5/18/16 1,204 days @ \$200.00 per day = \$240,800.00. For violations 1, 2, 3, 4, & 5 the fines ran from 2/19/13 through 5/18/16 @ \$200 per day = 237,171.00 plus admin fees of \$371.00 for a grand total of \$477,971.00.

For case #15-1168: This was originally cited on 8/25/15 for 5 violations 5. This went to the Special Magistrate on 11/5/15 for 1 violation. The Special Magistrate issued an order giving the respondent until 12/15/15 to comply or a fine of \$200.00 per day would be levied. The total fine amount on this case is \$18,400.00, this was case ultimately dismissed as part of settlement agreement. This is a motion to accept the settlement offer received by the City due to foreclosure. The City received \$3,500.00 as settlement for the code cases.

Exhibits (List):

- (2) 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 foreclosure. The City received \$3,500.00 as settlement for the code cases.

Commission Action:

Passed Failed Continued Other

Comment:

Case Activity Comments

Case Violations

1	8-21(a)(2)(g) Window/Door Maint./ Equip.	DBCC 8-21(a)(2)(g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair and all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.	10/15/2012
2	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.	10/15/2012
3	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.	10/15/2012
4	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.	10/15/2012
5	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.	10/15/2012
6	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.	10/15/2012
7	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.	10/15/2012
8	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.	10/15/2012

Case Number: 2015-00001168

Case Type:
Notice of Violation

Case Description:
Initial case

Case Start Date:
08-25-2015

Status:
Inactive **Status Date:**
05-12-2016

Default Inspector:
Warren Ostrofsky

Cited Address:
134 NW 11 AVE

Folio Number:
5042-33-10-0240

Cited Party:
Federal National Mortgage Assn

Note Type	Case Notes	Date
CASE INSPECTION NOTES	CASE INSPECTION NOTES	08-31-2015
CASE HEARING NOTES	CASE HEARING NOTES	08-31-2015
CASE ACTIVITY NOTES	Per Insp Ostrofsky: NOV posted on 8/25/15, also mailed. JC 8/31/15	08-31-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 9/9/15. Send to 11/5/15 SM Hearing. AL 9/11/15	09-11-2015
CASE HEARING NOTES	Per Special Magistrate Judith Secher, at the 11/5/15 hearing the following was ordered: Compliance by December 15, 2015 or a \$200.00 per day fine. \$100.00 administrative fee assessed. AL 11/9/15	11-09-2015
CASE INSPECTION NOTES	Per Insp. Ostrofsky: case failed post hearing re-inspection. Send to T/S for Conformation of Fine. AL 12/28/15	12-28-2015
CASE INSPECTION NOTES	Per T/S received from Tim Ryan's office 2/29/16 set case for Confirmation of Fine. AL 3/2/16	03-02-2016
CASE ACTIVITY NOTES	Received settlement \$3500 for both cases 12-1108 & 15-1168	05-12-2016

Case Activity Comments

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Case Violations

1	8-21(a)(2)(g) Window/Door Maint./ Equip.	DBCC 8-21(a)(2)(g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair and all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.		08/25/2015
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2	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.		08/25/2015
3	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.		08/25/2015
4	8-21(a)(5)(d) Vegetative Material Required	DBCC 8-21(a)(5)(d) states live vegetative material shall provide complete coverage of the entire yard area exposed to public view, and its height shall conform with all applicable city ordinances.		08/25/2015
5	265-100(C) Parking Surface Required	DBLDC 265-100(C) states all areas reserved for off street parking shall be of smooth paved surface and in good repair in compliance with city codes.		08/25/2015

City of Dania Beach

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

OWNER: LONNIE WRIGHT EST
FOLIO: 0233-10-0240
LEGAL: WEST MOORLAND 19-8 B LOT 19 BLK 2
ADDRESS: 134 Northwest 11 Avenue, Dania Beach, Florida

CODE ENFORCEMENT ORDER LIEN						CEB 2012-1108		RECORDED		RELEASED	
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE
Date	Date	Amount	Days	FINE	Fee	Total					
2/19/2013	5/18/2016	\$200.00	1,184	\$236,800.00	\$371.00	\$237,171.00	50214	372-379	9/30/2013	113701633	1 OF 1
1/30/2013	5/18/2016	\$200.00	1,204	\$240,800.00		\$240,800.00	50214	372-379	9/30/2013	113701633	1 OF 1

This fine is still active and accruing at daily rate.

To calculate additional daily amount (x) \$200.00 by the # of days after 5/18/2016

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

REVISED 5/23/2016

ESTIMATED COST OF RECORDING FEES

1	PAGES	CERTIFIED COPY COVER	10.00
4	PAGES	FINAL ORDER	40.50
3	PAGES	SUPPLEMENTAL ORDER	25.50
2	PAGES	RELEASE OF LIEN	25.00
		ADM. FEE RECORDING LIEN	40.00
		ADM. FEE RECORDING RELEASE	30.00
		ADM. FEE - SPECIAL MAGISTRATE FINE	200.00
			371.00