

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 16, 2016

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the settlement received for: Edward Gonzalez, C/O attorney Matthew McGugan
4751 SW 42 TER, Case # 13-1899

Summary Explanation & Background:

This was originally cited on 12/11/2013 for 6 violations. This went to the Special Magistrate on 5//2014 for 3 violations. Special Magistrate Mark Berman issued an order giving the respondent until 6/10/14 to comply or a fine of \$150.00 per day would be levied. At the 10/9/2014 hearing, the Special Magistrate Mark Berman issued an order imposing fine of \$18,000.00. The property was brought into compliance on 10/8/14. The fine ran from 6/10/14 through 10/8/14, 120 days @ \$150.00 per day = \$18,150.00 plus recording/admin fees of \$254.00, for a total of \$18,404.00. This is a motion to accept the settlement offer of \$2,000 that City received as settlement for the fine.

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 property. The City received \$2,000.00 as settlement for the fine.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 2013-00001899

Case Type:
Notice of Violation

Case Description:
Initial Case

Case Start Date:
12-11-2013

Status:
Active **Status Date**

Default Inspector:
Warren Ostrofsky

Cited Address:
4751 SW 42 TER

Folio Number:
5041-25-04-0260

Cited Party:
Edward Gonzalez

Note Type	Case Notes	Date
CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	12-18-2013
CASE INSPECTION NOTES	CASE INSPECTION NOTES	12-18-2013
CASE HEARING NOTES	CASE HEARING NOTES	12-18-2013
CASE ACTIVITY NOTES	NOV approved & mailed to BCPA cert# 7012 1010 0002 5510 1321 & site location XC cert# 7012 1010 0002 9793 0354 12/26/13. AL 12/16/13	12-26-2013
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed re-inspection 2/26/14. Send to next available hearing. LW 2/27/14	02-27-2014
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 5/1/14 hearing, the following was ordered: Compliance by June 10, 2014 or a \$150.00 per day fine. \$100.00 administrative fee assessed. LW 5/2/14	05-02-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed post board inspection 6/10/14. Send to T/S for confirmation of fines LW 6/11/14	06-11-2014
CASE INSPECTION NOTES	Per T/S results received 7/17/14 from Tim Ryan's office, send to next available hearing for confirmation of fines LW 7/31/14	07-31-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case complied 10/8/14. Case remains open due to fines owed on the case LW 10/10/14	10-10-2014
CASE HEARING NOTES	Per Special Magistrate Mark Berman at the 10/9/14 hearing, the following was ordered: Fine confirmed. Order Imposing fine - \$18,000.00 LW 10/10/14	10-10-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure hearing (violations complied - fines still owed) 7/21/15. Send to T/S for authorization to foreclose or money judgment LW 7/28/15	07-28-2015
CASE ACTIVITY NOTES	Settlement of \$2000 received 2/16/16 per Ryan law office. AL 5/16/16	05-16-2016

Case Activity Comments

Case Violations

1	CE008021151301 - DBCC 8-21(a)(5)(a)(3) Parking Maintenance	DBCC 8-21(a)(5)(a)(3) states all off street parking spaces shall be paved with asphalt or constructed of concrete or block, and shall be of smooth surface and in good repair.		12/11/2013
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.		12/11/2013
3	CE013034003001 - DBCC 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.		12/11/2013
4	CE014002001001 - DBCC 14-2(a) Junk/Abandoned Vehicles	DBCC 14-2(a) states it is unlawful to park, store, have, or permit parking or storage of any junked and abandoned vehicle of any kind or parts thereof upon any private property unless the vehicle is completely enclosed within a building or is in connection with an approved business and licensed as such.		12/11/2013
5	CE265100003001 - DBLDC 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.		12/11/2013
6	CE022021000001 - DBCC 22-21 Sidewalk Maintenance	DBCC 22-21 states it is the duty of each owner of abutting property to construct or reconstruct, and to maintain and keep in uniform repair sidewalks in front of or abutting upon the property.		12/11/2013

City of Dania Beach

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

OWNER: CYNTHIA KELLER HOUSE
FOLIO: 0125 04 0260
LEGAL: TROPICAL HAVEN 42-5 B LOT 26
ADDRESS: 4751 SW 42 Terrace, Dania Beach, Florida

ORDER IMPOSING FINE/ FINAL ORDER						CEB 2013-1409			RECORDED		RELEASED	
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	
Date	Date	Amount	Days	FINE	Fee	Total						
6/10/2014	10/8/2014	\$150.00	120	\$2,850.00	\$100.00	\$18,100.00	51194	20-25	10/24/2014	113537610	1	

Case complied 10/8/14

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
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			254.00