

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 17, 2016 **Agenda Item #:**

Title: Request for Abatement

Requested Action:

Approval of the settlement received for: Barbara Arutt, 610 NE 3 ST,
Case # 10-0912

Summary Explanation & Background:

This was originally cited on 6/18/10 for 5 violations. This went to the Special Magistrate on 10/7/10 for 5 violations. The Special Magistrate issued an order giving the respondent until 10/27/10 to comply or a fine of \$250.00 per day would be levied. At the 5/5/11 hearing, the Special Magistrate confirmed the fine as a lien. The fine ran from 10/28/10 through 4/14/16, 1,995 days @ \$250.00 per day = \$498,750.00 plus recording/admin fees of \$254.00, for a total of \$499,004.00. The City received a total settlement of \$3,762.01 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 \$3,762.01 for code fines.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

Case Number: 10-0912

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
06-18-2010

Status:
Active

Status Date

Default Inspector:
Warren Ostrofsky

Cited Address:
610 NE 3 ST

Folio Number:

Cited Party:
BARBARA ARUTT

Note Type	Case Notes	Date
INSPECTOR NAME	WARREN OSTROFSKY	06-18-2010
Case Narrative	Vio.Let. - 8-21a4a; 8-21a5a1; 13-29; 13-34a; 13-34c	06-30-2010
Case Inspections Text	Property failed reinspection on 7.14.10 per Inspector Warren Ostrofsky. July 14, 2010 4:47:38 PM DANITXT. Extension granted on 7.21.10 to 8.21.10 per Inspector Warren Ostrofsky. July 21, 2010 4:04:15 PM DANITXT.	07-21-2010
Case Inspections Text	Property failed reinspection on 8.23.10 per Inspector Warren Ostrofsky. August 24, 2010 12:11:31 PM DANITXT.	08-24-2010
Case Inspections Text	Property failed reinspection on 11.2.10 per Inspector Warren Ostrofsky. November 2, 2010 4:18:58 PM DANITXT.	09-02-2011
Case Board Meetings	Compliance by October 27, 2010 or \$250.00 per day fine. Authorization to abate nuisances by cutting and cleaning the overgrowth and debris, cleaning and securing the pool after October 27, 2010 granted in the interest of public health and safety per Special Magistrate Mark Berman at the October 7, 2010 Special Magistrate hearing. \$100.00 administrative fee is assessed. October 12, 2010 11:17:16 AM DANITXT.	09-23-2011
Case Board Meetings	Fine confirmed per Special Magistrate Richard Conner at the May 5, 2011 Special Magistrate hearing. May 12, 2011 12:40:45 PM DANITXT.	10-03-2011
Case Inspections Text	Property failed reinspection 8.17.11 per Inspector Warren Ostrofsky. August 22, 2011 9:37:39 AM danitxt.	10-03-2011
Case Activity Notes	Per Mr. Ryan's office Settlement of \$3,762.01 was received from Lynn Damiano. AL 4/7/16	04-11-2016

Case Activity Comments

INITIAL - INITIAL INSPECTION	06-18-2010
HISTORICAL - DMS Violation Letter	06-30-2010
REINSPECTION - REINSPECTION	07-14-2010
REINSPECTION - REINSPECTION	08-21-2010

NUISANCE ABATE - NUISANCE ABATEMENT REINSPECT	10-28-2010
F-TITLE SEARCH - TITLE SEARCH	01-06-2011
HISTORICAL - DMS Affidavit of Service	04-19-2011
FORECLOSURE - FORECLOSURE REINSPECTION	08-18-2011

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.	ACTIVE	06/18/2010
2	CE008021151101 - DBCC 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.	ACTIVE	06/18/2010
3	CE013029000001 - DBCC 13-29 Stagnant Water/Mosquitoes	DBCC 13-29 states it is unlawful for any person to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.	ACTIVE	06/18/2010
4	CE013034001001 - DBCC 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.	ACTIVE	06/18/2010
5	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.	ACTIVE	06/18/2010

City of Dania Beach

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

OWNER: ARUTT, BARBARA
FOLIO: 0235-06-0150
LEGAL: ROYAL PALM VISTA 41-12 B LOT 3 BLK 2
ADDRESS: 610 NE 3 STREET

CODE ENFORCEMENT ORDER LIEN					CEB 10-0912		RECORDED		RELEASED		
Start	Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE
Date	Date	Amount	Days	FINE	Fee	Total					
10/28/2010	4/14/2016	\$250.00	1,995	\$498,750.00	\$254.00	\$499,004.00	47947	1363-1369	6/1/2011	113632171	1 OF 1

REVISED 5/17/2016
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
			254.00

City of Dania Beach

OWNER: ARUTT, BARBARA
FOLIO: 0235-06-0150
LEGAL: ROYAL PALM VISTA 41-12 B LOT 3 BLK 2
ADDRESS: 610 NE 3 STREET

NUISANCE ABATEMENT LIEN						CASE # 10-0912		RECORDED		RELEASED			
Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE
11/9/2010	4/14/2016	\$289.27	1,983	0.00032900	\$0.095170	\$188.72	\$90.00	\$567.99	47537	1106	11/22/2010	113632171	1 OF 1
5/12/2011	4/14/2016	\$177.41	1,799	0.00032900	\$0.058368	\$105.00	\$90.00	\$372.41	47967	129	6/9/2011	113632171	1 OF 1
9/20/2011	4/14/2016	\$279.52	1,668	0.00032900	\$0.091962	\$153.39	\$90.00	\$522.91	48202	172	9/26/2011	113632171	1 OF 1
								<u>\$1,463.32</u>					

REVISED 5/17/2016
Cherrie-Ann Browne
Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES		
1	PAGE(S) CLAIM OF LIEN	10.00
	ADM. FEE RECORDING LIEN	40.00
1	PAGE(S) RELEASE OF LIEN	10.00
	ADM. FEE RECORDING RELEASE	30.00
		<u>90.00</u>

City of Dania Beach

OWNER: BARBARA ARUTT
 FOLIO: 0235-06-0150
 LEGAL: ROYAL PALM VISTA 41-12 B LOT 3 BLK 2
 ADDRESS: 610 NE 3 STREET, DANIA BEACH

LOT MOWING AND DEBRIS REMOVAL LIEN								RECORDED		RELEASED			
Interest Start	Through Date	Lien Amount	# of Days	Interest Amount	Per Diem	Interest Amount	Record Fee	Total	BOOK/INSTRUMENT	PAGE	DATE	BOOK	PAGE
3/13/2015	5/17/2016	\$779.99	431	0.00032900	\$0.256617	\$110.60	598.00	\$980.59	112873680	Page 1 of 1	3/18/2015	113632171	1
9/22/2015	5/17/2016	\$377.20	238	0.00032900	\$0.124099	\$29.54	500.00	\$496.74	113283915	Page 1 of 1	10/13/2015	113632171	1



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ESTIMATED COST OF RECORDING FEES			
1	PAGE(S)	CLAIM OF LIEN	16.50
		ADM. FEE RECORDING LIEN	40.00
1	PAGE(S)	RELEASE OF LIEN	16.50
		ADM. FEE RECORDING RELEASE	30.00
			<u>103.00</u>