

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: April 12, 2016

Agenda Item #:

Title: Request for Abatement

Requested Action:

Approval of the Settlement Received for: Karen Wright, 4700 SW 34 TER,
Case # 07-1810 #07-2149 & #12-0289

Summary Explanation & Background:

For case #07-1810: This was originally cited on 7/13/07 for 3 violations. An emergency order was issued ordering compliance by 8/20/07 or the city would enter the property to correct any violation in the interest of public safety for 3 violations. The Special Magistrate issued several continuances orders giving the respondent until 4/8/10 to comply or a fine of \$250.00 per day would be levied. At the 2/5/09 hearing, Special Magistrate Mark Berman confirmed the fine as a lien. The fines ran from 08/20/07 through 3/12/08 205 days @ \$250.00 per day = \$51,250 in addition admin fees of \$313.50 for a grand total of \$51,563.50

For case #07-2149: This was originally cited on 8/23/07 for 3 violations. This went to the Special Magistrate on 2/5/09 for 3 violations. The Special Magistrate issued an order giving the respondent until 12/15/07 to comply or a fine of \$150.00 per day would be levied. At the 2/5/09 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. The fines ran from 12/15/07 through 4/20/16, 3,049 days @ 457,350.00 plus admin fees of \$141.00 for a total of \$457,491.00.

For case #12-0289: This was originally cited on 4/60/12 for 2 violations. This went to the Special Magistrate on 9/6/12 for 2 violations and was issued an continuance until 10/4/12. On 11/1/12 Special Magistrate Gordon Linn issued an order giving the respondent until 11/21/12 to comply for violations or a fine of \$250.00 per day would be levied authorization to abate nuisance by removing the dock after 11/21/12 granted in the interest of public health and safety. At the 5/2/13 hearing, Special Magistrate Gordon Linn confirmed the fine as a lien. Fines ran from 11/21/12 through 4/20/16, 1,246 days @ 250.00 per day totaling \$311,500.00.plus admin fees of \$254.00 for a total of \$311,754.00.

This is a motion to accept the settlement offer received by the City due to sale of property. The City received \$3,000.00 as settlement for 3 code cases in addition \$5,256.72 for 3 nuisance abatement liens & 1 lot mowing and debris removal lien.

Exhibits (List):

- (3) Copy of the history reports.
- (5) Copy of the lien sheets.

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 \$8,256.72 as settlement for the code cases.

Commission Action:

Passed **Failed** **Continued** **Other**

Comment:

City Manager

City Clerk

Case Number: 07-1810

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
07-13-2007

Status:
Active

Status Date:

Default Inspector:
Gary Phaneuf

Cited Address:
4700 SW 34 TER

Folio Number:

Cited Party:
KAREN WRIGHT

| Note Type | Case Notes | Date |
|-----------------------|---|------------|
| Case Narrative | Vio.Let.- 13-34a; 13-34b; 13-34c | 07-13-2007 |
| INSPECTOR NAME | GARY PHANEUF | 07-13-2007 |
| INSPECTOR NAME | NICHOLAS LUPO | 07-13-2007 |
| Case Inspections Text | Property failed reinspection per inspector Gary Phaneuf. July 24, 2007 3:24:38 PM danilxg | 07-24-2007 |
| Case Inspections Text | Property failed reinspection per ispector Gary Phaneuf. August 22, 2007 10:21:59 AM danilxg | 02-28-2008 |
| Case Board Meetings | Emergency Order: Compliance by August 20, 2007 or \$250 per day fine. City may enter the property to correct any violation in interest of public safety | 10-29-2009 |
| Case Inspections Text | Property is in compliance as of 3/12/08 per inspector Gary Phaneuf. Fines ran from 8/20/07 to 3/12/08 at a rate of \$250/day totaling 205 days equalling \$51,250.00 March 18, 2008 12:22:15 PM danilxg | 11-12-2009 |
| Case Board Meetings | Continuance granted to April 8, 2010 Special Magistrate hearing per Special Magistrate Mitch Kraft at the March 4, 2010 Special Magistrate hearing. March 5, 2010 9:03:24 AM DANITXT | 04-07-2010 |
| Case Board Meetings | Continuance granted to August 5, 2010 Special Magistrate hearing per Special Magistrate Mark Berman at the April 8, 2010 Special Magistrate hearing. April 13, 2010 11:27:31 AM DANITXT | 04-13-2010 |
| Case Board Meetings | Continuance granted to November 4, 2010 Special Magistrate hearing per Special Magistrate Gordon Linn at the August 5, 2010 hearing. August 6, 2010 8:53:12 AM DANITXT. | 08-06-2010 |
| Case Board Meetings | Continuance granted to the December 2, 2010 Special Magistrate hearing per Special Magistrate Gordon Linn at the November 4, 2010 Special Magistrate hearing. November 8, 2010 10:20:46 AM DANITXT. | 11-08-2010 |
| Case Board Meetings | Continuance granted to the April 7, 2011 Special Magistrate hearing per Special Magistrate Gordon Linn at the January 6, 2011 Special Magistrate hearing. January 7, 2011 8:23:29 AM DANITXT. | 04-08-2011 |
| Case Board Meetings | Fine confirmed per Special Magistrate Mark Berman at the April 7, 2011 Special Magistrate hearing. April 13, 2011 9:00:38 AM DANITXT. | 04-13-2011 |

| | | |
|-----------------------|--|------------|
| Case Inspections Text | Property failed reinspection on 12.28.10 per Inspector Gary Phaneuf. January 3, 2011 3:01:18 PM DANITXT. Property failed reinspection on 7.27.11 per Inspector Gary Phaneuf. July 28, 2011 2:22:03 PM danitbt. | 08-11-2011 |
| Case Board Meetings | Motion to add respondent Theana Fils-Aime granted per Special Magistrate Mark Berman at the December 2, 2010 Special Magistrate hearing. Authorization to abate nuisances by cutting and cleaning the overgrowth, trash and debris on the property after December 22, 2010 granted in the interest of public health and safety. \$100 administrative fee is assessed. Case will also be scheduled for the January 6, 2011 hearing. December 3, 2010 11:41:17 AM DANITXT. | 09-15-2011 |
| Case Inspections Text | CHECK ON STATUS OF FORECLOSURE. December 10, 2011 11:59:47 AM daninxl. | 12-10-2011 |
| Case Inspections Text | PER TITLE SEARCH, HOLD ON ANY FURTHER ACTION DUE TO PENDING FORECLOSURE LITIGATION. December 10, 2011 11:58:53 AM daninxl. | 12-16-2011 |

Case Activity Comments

| | |
|---|------------|
| INITIAL - INITIAL INSPECTION | 07-05-2007 |
| HISTORICAL - DMS Violation Letter | 07-13-2007 |
| REINSPECTION - REINSPECTION | 07-20-2007 |
| HISTORICAL - DMS Affidavit of Service | 08-01-2007 |
| POST HEARING - POST BOARD | 08-20-2007 |
| REINSPECTION - REINSPECTION | 03-12-2008 |
| F-TITLE SEARCH - TITLE SEARCH | 11-12-2009 |
| HISTORICAL - DMS Affidavit of Service | 12-14-2010 |
| NUISANCE ABATE - NUISANCE ABATEMENT REINSPECT | 12-23-2010 |
| FORECLOSURE - FORECLOSURE REINSPECTION | 07-18-2011 |
| F-TITLE SEARCH - TITLE SEARCH | 11-28-2011 |
| F-FOLLOW UP - UPDATE | 03-08-2012 |

Case Violations

| | | | | |
|---|-------------------------------------|--|--------|------------|
| 1 | 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 | 07/05/2007 |
| 2 | 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. | ACTIVE | 07/05/2007 |

| | | | | |
|---|------------------------------|---|--------|------------|
| 3 | 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 | 07/05/2007 |
|---|------------------------------|---|--------|------------|

Case Number: 07-2149

Case Type:
Notice of Violation

Case Description:
MINIMUM STANDARDS

Case Start Date:
08-23-2007

Status: Active
Status Date:

Default Inspector:
Gary Phaneuf

Cited Address:
4700 SW 34 TER

Folio Number:

Cited Party:
KAREN WRIGHT

| Note Type | Case Notes | Date |
|-----------------------|--|------------|
| Case Narrative | Vio letter-8-21(a)(2)(g); 8-21(a)(2)(g); 33-40(10) | 08-23-2007 |
| INSPECTOR NAME | GARY PHANEUF | 08-23-2007 |
| INSPECTOR NAME | TUCHETTE TORRES | 08-23-2007 |
| Case Inspections Text | Property failed reinspection per inspector Gary Phaneuf. September 7, 2007 9:53:16 AM danilxg | 09-07-2007 |
| Case Inspections Text | Property failed reinspection per inspector Gary Phaneuf. December 19, 2007 8:32:08 AM danilxg | 12-19-2007 |
| Case Inspections Text | Property failed reinspection per inspector Gary Phaneuf. May 8, 2009 12:05:28 PM danilxg | 05-18-2009 |
| Case Other Actions | Sent for foreclosure reinspection | 05-19-2009 |
| Case Board Meetings | Compliance by December 15, 2007 or \$150.00 per day fine Fine confirmed per Special Magistrate Gordon Linn at the February 5, 2009 hearing. ordered per Special Magistrate Mark Berman. February 23, 2009 3:02:37 PM daniszp | 10-29-2009 |

Case Activity Comments

| | |
|--|------------|
| INITIAL - INITIAL INSPECTION | 08-15-2007 |
| HISTORICAL - DMS Violation Letter | 08-23-2007 |
| REINSPECTION - REINSPECTION | 09-02-2007 |
| HISTORICAL - DMS Affidavit of Service | 10-24-2007 |
| POST HEARING - POST BOARD | 12-15-2007 |
| HISTORICAL - DMS Affidavit of Service | 01-23-2009 |
| FORECLOSURE - FORECLOSURE REINSPECTION | 05-05-2009 |

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. | ACTIVE | 08/15/2007 |
| 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. | ACTIVE | 08/15/2007 |
| 3 | 33-40(10) Abandoned Boat | DBCC 33-40(10) states it is unlawful for any person to abandon any boat or watercraft in the public waterways within the corporate city limits of the city or to moor the same in a manner as to cause such watercraft to be or become a menace to navigation. | ACTIVE | 08/15/2007 |

| | | |
|----------------|---|------------|
| Case Narrative | Per T/S results received 10/22/2013 - do not set for Authorization to Foreclose due to pending mortgage foreclosure litigation LW 10/24/2013 | 10-24-2013 |
|----------------|---|------------|

Case Activity Comments

| | |
|-----------------------------------|------------|
| INITIAL - INITIAL INSPECTION | 04-06-2012 |
| HISTORICAL - DMS Violation Letter | 04-13-2012 |
| REINSPECTION - REINSPECTION | 04-30-2012 |

Case Violations

| | | | | |
|---|---------------------------------|--|--------|------------|
| 1 | 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. | ACTIVE | 04/06/2012 |
| 2 | 240-20(l) Unsafe Dock | DBLDC 240-20(l) prohibits all docks and mooring structures within the jurisdiction of the city from being in an unsafe or unsatisfactory condition. | ACTIVE | 04/06/2012 |

City of Dania Beach

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

OWNER: KAREN WRIGHT & THEANA FILS-AIME
FOLIO: 0230-04-0090
LEGAL: DAVIS ISLES 29-19 B LOT 9 BLK 1
ADDRESS: 4700 SW 34 TERRACE

| CODE ENFORCEMENT ORDER LIEN | | | | | CEB 07-1810 | | RECORDED | | RELEASED | | |
|-----------------------------|--------------|-------------|-----------|-------------|-------------|-------------|----------|-----------|-----------|------------------|--------|
| Start Date | Through Date | Lien Amount | # of Days | TOTAL FINE | Record Fee | Total | BOOK | PAGE | DATE | BOOK/ INSTRUMENT | PAGE |
| 8/20/2007 | 3/12/2008 | \$250.00 | 205 | \$51,250.00 | \$313.50 | \$51,563.50 | 47868 | 1144-1156 | 4/22/2011 | 113643030 | 1 TO 1 |

REVISED 5/23/2016
CORI MAYO
Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES

| | | | |
|---|-------|------------------------------------|---------------|
| 1 | PAGES | CERTIFIED COPY COVER | 10.00 |
| 7 | PAGES | FINAL ORDER | 66.00 |
| 5 | PAGES | SUPPLEMENTAL ORDER | 42.50 |
| 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 |
| | | | 313.50 |

City of Dania Beach

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

OWNER: WRIGHT,KAREN
FOLIO: 0230-04-0090
LEGAL: DAVIS ISLES 29-19 B LOT 9 BLK 1
ADDRESS: 4700 SW 34 TERRACE

| CODE ENFORCEMENT ORDER LIEN | | | | | | CEB 07-2149 | | RECORDED | | RELEASED | |
|-----------------------------|-----------|----------|-------|--------------|----------|--------------|-------|----------|----------|-----------------|--------|
| Start | Through | Lien | # of | TOTAL | Record | | BOOK | PAGE | DATE | BOOK/INSTRUMENT | PAGE |
| Date | Date | Amount | Days | FINE | Fee | Total | | | | | |
| 12/15/2007 | 4/20/2016 | \$150.00 | 3,049 | \$457,350.00 | \$141.00 | \$457,491.00 | 46115 | 92-97 | 4/7/2009 | 113643030 | 1 OF 1 |

REVISED 5/23/2016
Cherrie-Ann Browne
Accts. Receivable & Liens

ESTIMATED COST OF RECORDING FEES

| | | | |
|---|-------|----------------------------|---------------|
| 1 | PAGES | CERTIFIED COPY COVER | 10.00 |
| 3 | PAGES | FINAL ORDER | 25.50 |
| 2 | PAGES | SUPPLEMENTAL ORDER | 17.00 |
| 2 | PAGES | RELEASE OF LIEN | 18.50 |
| | | ADM. FEE RECORDING LIEN | 40.00 |
| | | ADM. FEE RECORDING RELEASE | 30.00 |
| | | | 141.00 |

City of Dania Beach

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

OWNER: KAREN WRIGHT
FOLIO: 0230-04-0090
LEGAL: DAVIS ISLES 29-19 B LOT 9 BLK 1
ADDRESS: 4700 Southwest 34 Terrace, Dania Beach, Florida

| CODE ENFORCEMENT ORDER LIEN | | | | | CEB 12-0289 | | RECORDED | | RELEASED | | |
|-----------------------------|-----------|----------|-------|--------------|-------------|--------------|----------|---------|-----------|-----------------|--------|
| Start | Through | Lien | # of | TOTAL | Record | | BOOK | PAGE | DATE | BOOK/INSTRUMENT | PAGE |
| Date | Date | Amount | Days | FINE | Fee | Total | | | | | |
| 11/21/2012 | 4/20/2016 | \$250.00 | 1,246 | \$311,500.00 | \$254.00 | \$311,754.00 | 49799 | 525-530 | 5/16/2013 | 113643030 | 1 OF 1 |

REVISED 5/23/2016

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

100 W. Dania Beach E
 Dania Beach, FL 33
 954-924-3

OWNER: WRIGHT, KAREN
 FOLIO: 0230-04-0090
 LEGAL: DAVIS ISLES 29-19 B LOT 9 BLK 1
 ADDRESS: 4700 SW 34 TERRACE

| LOT MOWING AND DEBRIS REMOVAL LIEN | | | | | | RECORDED | | | RELEASED | | | |
|------------------------------------|-----------|----------|-------|------------|------------|----------|---------|------------|----------|------|------------|-----------------|
| Interest | Through | Lien | # of | Interest | | Interest | Record | | BOOK | PAGE | DATE | BOOK/INSTRUMENT |
| Start | Date | Amount | Days | Amount | Per Diem | Amount | Fee | Total | | | | |
| 8/27/2007 | 4/26/2016 | \$588.23 | 3,165 | 0.00032900 | \$0.193528 | \$612.52 | \$90.00 | \$1,290.75 | 44912 | 1704 | 12/17/2007 | 113654558 |

This lien is accruing interest daily. To calculate additional interest amount,
 multiple the per diem amount (X) the number of days after: 4/26/2016

REVISED 5/23/2016
 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 |
| | | 90.00 |

City of Dania Beach

OWNER: THEANA FILS-AIME & KAREN WRIGHT
 FOLIO: 0230-04-0090
 LEGAL: DAVIS ISLES 29-19 B LOT 9 BLK 1
 ADDRESS: 4700 SW 34 TERRACE

| NUISANCE ABATEMENT LIEN | | | | | | CASE # 07-1810 | | | 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 |
| 10/27/2009 | 4/22/2011 | \$798.37 | 542 | 0.000329 | \$0.26 | \$142.36 | \$90.00 | \$1,030.73 | 46699 | 773 | 12/2/2009 | 113654556 | 1 OF 1 |
| 1/11/2011 | 4/26/2016 | \$791.87 | 1,932 | 0.00032900 | \$0.260525 | \$503.33 | \$103.00 | \$1,398.20 | 47704 | 1164 | 2/8/2011 | 113654558 | 1 OF 1 |
| 9/2/2011 | 4/26/2016 | \$932.75 | 1,698 | 0.00032900 | \$0.306875 | \$521.07 | \$103.00 | \$1,556.82 | 48185 | 1900 | 9/19/2011 | 113654558 | 1 OF 1 |
| | | | | | | | | <u>\$3,985.76</u> | | | | | |

This lien is accruing interest daily. To calculate additional interest amount, multiple the per diem amount (X) the number of days after: 4/26/2016

REVISED 5/23/2016
 Cori Mayo
 Accts. Receivable & Liens

| | | |
|----------------------------------|----------------------------|---------------|
| 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> |