

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Marcie Nolan, AICP, Acting Development Services Director

**PREPARED BY:** Daniel J. Stallone, Code Compliance Official

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** 4

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO.07-1357 FROM \$41,250.00 IN AMOUNT TO \$ 12,005.23; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The Code Compliance Division initiated a code compliance case on October 10, 2007, related to the failure of the property owner to adhere to code section 9-51(b) as it related to overgrowth of grass and weeds in the front and rear yard of the property, 9-51(a), by which any litter and unsightly matter in the front and rear yards shall be removed, and code section 12-33(U) nuisance and eyesore being that the general appearance of the property constitutes a nuisance and eyesore to the community due to lack of maintenance in a neat and clean manner.

On December 11, 2007, The Town's Special Magistrate issued an Order Imposing Municipal Code Enforcement Lien and Administrative Fine in the amount of \$41,250.00 for fifty-five (55) days of non-compliance for the above violations.

Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-51(a), 9-51(b) and 12-33(U) were corrected. Town of Davie Code Compliance Division Mitigation Guideline has proscribed a mitigation amount equal to \$12,005.23 (See attached worksheet).

**PREVIOUS ACTIONS:**

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** The Code Compliance Division recommends the approval of the mitigation amount equal to \$12,005.23 as per the Town of Davie mitigation schedule and guidelines.

**Attachment(s):** Resolution, Mitigation worksheet, Mitigation Application Review Form, Mitigation Request letter from applicant, Mitigation Request Summary, Mitigation Inspection Report, Mitigation Guidelines.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO.07-1357 FROM \$41,250.00 IN AMOUNT TO \$ 12,005.23; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Andrew Maksymiv has requested a mitigation of a Code Compliance lien from \$41,250.00; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-51(a), 9-51(b) and 12-33(U) were corrected; and

WHEREAS, the Town of Davie Code Compliance Division Mitigation Guideline has proscribed a mitigation amount equal to \$12,005.23; and

WHEREAS, Andrew Maksymiv and the Town of Davie Code Compliance Division are agreeable to the mitigation of the Code Compliance lien; and

WHEREAS, the Town Council is agreeable to such mitigation of the Code Compliance lien.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance lien arising out of Case No. 07-1357 in the amount of \$41,250.00 against Victoria L. Semora, Est., is hereby mitigated in amount to \$ 12,005.23.

SECTION 2. That this mitigated amount of \$12,005.23 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$12,005.23 not be paid within the specified time the lien shall revert to the original amount of \$41,250.00.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
MAYOR/COUNCILMEMBER  
ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2008

**TOWN OF DAVIE  
CODE COMPLIANCE DIVISION  
MITIGATION APPLICATION REVIEW FORM**

**SECTION 1:** (To be completed by Code Compliance Supervisor)

1. Name of Respondent(s)/Applicant(s): Victoria Semora, Est.
2. Case Number: Code Compliance Case no. 07-1357
3. Total amount of Code Compliance Lien(s)/Administrative Fine(s): \$41,250.00
4. Is Respondent(s)/Applicant(s) in compliance with applicable Town Code Sections?  
X Yes \_\_\_\_ No  
(If the answer to Question 4 is no, do not complete Question 5, as compliance is a prerequisite to
5. Mitigation amount recommended by the Town Council approved guidelines:  
\$12,005.23

\_\_\_\_\_  
**SECTION 2:** (To be completed by Respondent(s)/Applicant(s))

1. Please state any and all reasons why the Town should agree to mitigate the Code Compliance Lien(s)/Administrative Fines:  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

2. Please indicate the amount which you request the Code Compliance Lien(s) be mitigated to: \$ \$12,005.23.

**NOTE:** The Code Compliance Division will submit your request to the Town Council to either accept or deny your mitigation amount; if your request is less than the mitigation guideline

amount, the Code Compliance Division shall automatically make a recommendation to deny your mitigation request. In the event you do not agree with the mitigation guideline amount as set forth in Section 1 above, the matter will be referred to a Special Magistrate who will make a recommendation to the Town Council. The decision to grant or deny the request for mitigation will be made by the Town Council. In the event the Town approves your mitigation request, you must pay the mitigated amount to the Town of Davie within 45 days of Town Council approval or the Code Compliance Lien(s)/Administrative Fine(s) will remain in effect in the original amount.

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**SECTION 3:** (To be authorized by Department Director)

The Code Compliance Division hereby submits the request made by the Respondent/Applicant, in Section 2, to mitigate the Code Compliance Lien(s)/Administrative Fine(s) in Case Number 07-1357 from a total of \$41,250.00 to the amount requested by the Respondent/Applicant which is \$12,005.23, for consideration by the Town Council.

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Code Compliance Official

Date

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Department Director

**Mitigation Request**

To: Town of Davie Code Compliance

Case # 07-1357

House Address: 6320 PLYMOUTH LN DAVIE FL 33331

To whom it may concern:

We are requesting a final inspection on 6320 PLYMOUTH LN DAVIE FL 33331, case number 07-1357. We have resolved the code violations by cutting the grass, removing debris from the yard, and closing off the broken window with storm shutters. The problems on this house started after the owner Victoria Semora passed away and the house was inherited by the son Edward Semora. Edward Semora became depressed from grieving the loss of his mother, he lived by himself for over 2yrs in the house with very little money to support himself. Edward Semora also did not have any close family or relatives that would help him out with the house; he was the only child and could not handle the responsibility of owning a house at the age of 21. We are now in the process of purchasing the property from Edward to repair it and live in it. We believe all of the code violations have been resolved. In addition to this \$41,250 town of Davie lien, this property has MANY other unpaid liens attached to it would be helpful for our getting financing, if the City would reduce its lien so the property is more affordable. There are many more liens and mortgages we need to payoff in order to purchase this house. After this lien is reduced we would purchase this house and repair it to an excellent condition which will improve the look of this neighborhood. Edward Semora needs the proceeds of the sale of the house to live off, this money would greatly help him to get back on his feet and start his life over. Since his mother passed away, he was left with very little money to support himself. Please contact me to let me know how much this lien can be reduced and what needs to be done to close this case. Thank You. Andrew Maksymiv 954-695-8996

Andrew Maksymiv  
954-695-8996  
14950 SW 70<sup>th</sup> PLACE  
Davie, FL, 33331



**MITIGATION REQUEST SUMMARY**

DATE: **March 27, 2008**  
NAME: Victoria Semora, Est  
ADDRESS: 6320 Plymouth Lane  
Davie, FL 33331  
CASE: 07-1357

**SUMMARY:**

Date respondent cited: October 9, 2007

Date of Final Order: October 10, 2007

Non-Compliance Hearing(s): December 11, 2007

Fine/Lien(s) Imposed:

\$41,250.00

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Department	Guideline	recommended	mitigation	amount:	
\$12,005.23					
Amount	the	respondent	desires	to	pay:
\$12,005.23					

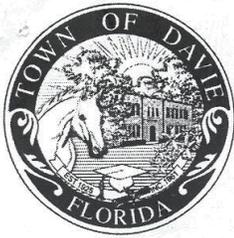
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The property owner was cited for the following violations of the Town of Davie Code:

- 9-51(b): Overgrowth
- 9-51(a): Litter and unsightly matter
- 12-33(U): Nuisance/Eyesore

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$12,005.23 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

DANIEL J. STALLONE  
CODE COMPLIANCE OFFICIAL



DEVELOPMENT SERVICES DEPARTMENT  
CODE COMPLIANCE DIVISION

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314-3399  
PHONE: 954.797.1121 • FAX: 954.797.1119 • WWW.DAVIE-FL.GOV

**MITIGATION INSPECTION REPORT**

CASE NO. 07-1357 DATE MITIGATION REQUESTED 3/3/08  
DATE FINAL ORDER ISSUED: 10/10/07 REINSPECTION DATE 3/14/08  
RESPONDENT(S) Victoria L. Semora, Est.  
PROPERTY ADDRESS 6320 Plymouth Ln

VIOLATIONS  COMPLIED .....  NOT COMPLIED ..... (check one)

MITIGATION HEARING DATE (If applicable) \_\_\_\_\_

LIST VIOLATIONS COMPLIED: 9-51(b) overgrowth  
9-51(a) litter and unsightly matter  
12-33(w) nuisance

LIST VIOLATIONS NOT COMPLIED: \_\_\_\_\_

INSPECTOR R Phillips DATE 3/17/08

MITIGATION GUIDELINES

FINE AMOUNT

RECOMMENDATION

Fine to \$10,000

7.5% of the amount plus an additional 5%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$10,000 - \$20,000

10.0% of the amount plus an additional 6%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$20,001 - \$30,000

12.5% of the amount plus an additional 7%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$30,001 - \$40,000

15.0% of the amount plus an additional 8%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$40,001 - \$50,000

17.5% of the amount plus an additional 9%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$50,001 - \$60,000

20.0% of the amount plus an additional 10%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$60,001 - \$70,000

22.5% of the amount plus an additional 11%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$70,001 - \$80,000

25.0% of the amount plus an additional 12%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$80,001 - \$90,000

27.5% of the amount plus an additional 13%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

\$90,001 - \$100,000

30.0% of the amount plus an additional 14%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

Over \$100,000

35.0% of the amount plus an additional 15%  
For each sixty (60) days of violation plus actual costs incurred  
by the Town.

This schedule would be utilized for first time violators and repeat violators.

MITIGATION BASE FEE (COST OF CASE ADMINISTRATION AND DEVELOPMENT) SHALL BE ADDED TO THE TOTAL DERIVED FROM APPLICATION OF ABOVE GUIDELINES. THE MITIGATION BASE FEE IS BASED UPON THE EXPENSES INCURRED BY TOWN EMPLOYEES AND ALL ACCOMPANYING COSTS.  
MITIGATION BASE FEE\* \$ 1010.98

\*Subject to revision as per current staff salaries.

