

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Daniel J. Stallone, Code Compliance Official: 797-1121

SUBJECT: Resolution

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 97-347 FROM \$49,000. IN AMOUNT TO \$7309.19; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The Bryant family bought this property in 1968. Mr. Bryant sold the property to Zeus Properties, Inc. in 1996, however, he continued to hold the mortgage. Zeus Properties, Inc. incurred the Code Compliance fines by making building modifications to the property without proper permits. During the time that Zeus Properties had control of the property, we have been told that they fell behind in mortgage payments. Therefore, the Bryants initiated foreclosure action and again assumed the ownership of the property. The current owner was bringing the property up to code when a fire destroyed the second floor. The Bryants have spent \$20,000 in legal fees for foreclosure proceedings and \$80,000 to repair the second floor to date. The violations in this case are now in compliance and mitigation is possible.

The mitigation guidelines recommended the amount of \$13,694.19, the Bryants felt that considering the circumstances the Special Master could possibly reduce the amount further. At the Special Master Hearing of December 9, 2003, Special Master Gabriel recommended a reduced amount of \$7,309.19.

The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$7,309.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The respondent's agent agreed with the Special Master's recommendation.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The Code Compliance Special Master has recommended a mitigation amount equal to \$7,309.19.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet and Special Master's recommendation letter.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 97-347 FROM \$49,000. IN AMOUNT TO \$7,309.19; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Zeus Properties, Inc. (defunct), and Audrey Flanders on behalf of the current owner (Bryant), has requested a mitigation of Code Compliance liens from \$49,000. in amount to \$7,309.19; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Section 8-16 was corrected; and

WHEREAS, the Town of Davie Code Compliance Special Master has proscribed a mitigation amount equal to \$7,309.19; and

WHEREAS, Zeus Properties, Inc. (defunct), and Audrey Flanders on behalf of the current owner (Bryant), and the Town of Davie Code Compliance Division are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

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

SECTION 1. That the certain Code Compliance liens arising out of Case 97-347 in the amount of \$49,000., against Zeus Properties, Inc. (defunct), are hereby mitigated in amount to \$7,309.19.

SECTION 2. That this mitigated amount of \$7,309.19 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$7,309.19 not be paid within the specified time the liens shall revert to the original amount of \$49,000.

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

PASSED AND ADOPTED THIS ____ DAY OF _____, 2004

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2004

MITIGATION REQUEST SUMMARY

DATE: December 17, 2003

NAME: Zeus Properties, Inc. (defunct), and Audrey Flanders on behalf of the current owner (Bryant)

ADDRESS: 5641 Orange Drive

CASE: 97-347

SUMMARY:

Date respondent cited: September 17, 1997

Date of Final Order: October 7, 1997

Non-Compliance Hearing(s): 12/09/97 5/5/98

Fine/Lien Imposed: \$12,250. \$36,750.

Total: \$49,000.

Date respondent requested mitigation: November 9, 2003

Date of Mitigation Hearing by Special Master: December 19, 2003

The Bryant family bought this property in 1968. Mr. Bryant sold the property to Zeus Properties, Inc. in 1996, however, he continued to hold the mortgage. Zeus Properties, Inc. incurred the Code Compliance fines by making building modifications to the property without proper permits. During the time that Zeus Properties had control of the property, we have been told that they fell behind in mortgage payments. Therefore, the Bryants initiated foreclosure action and again assumed the ownership of the property. The current owner was bringing the property up to code when a fire destroyed the second floor. The Bryants have spent \$20,000 in legal fees for foreclosure proceedings and \$80,000 to repair the second floor to date. The violations in this case are now in compliance and mitigation is possible.

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The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$7,309.19 should be considered and approved by the Town Council and the respondent given 45 days to pay the mitigated amount.

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #97-347**

Respondent(s): Zeus Properties, Inc., respondent
Audrey Flanders / for current owner

Address: 5641 Orange Drive, Davie, FL

Fine/Lien Amount: \$49,000.

Mitigation Recommendation:
(as per approved mitigation guidelines)

| | | |
|---|---|-------------|
| a) 12.5% of \$49,000 | = | \$ 6,125.00 |
| b) 14% of \$49,000 196 days of non-compliance equals 2% of lien/fine per 60 days of non-compliance | = | \$ 6,860.00 |
| c) Mitigation Base Fee (Town costs incurred by Code Compliance) | = | \$ 709.19 |
| Total | = | \$13,694.19 |

**KATZ BARRON
SQUITERO FAUST**

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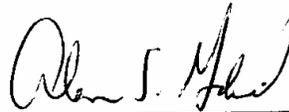
December 12, 2003

Daniel Stallone, Code Enforcement Supervisor
TOWN OF DAVIE
6591 S.W. 45th Street
Davie, Florida 33314-3399

RE: Mitigation Request for Code Enforcement Case No. 97-347 TOWN OF DAVIE
v. ZEUS PROPERTIES, INC.

Dear Mr. Stallone:

At the Town of Davie Special Master Hearing held on December 9, 2003, the above referenced Mitigation Request was heard. Upon testimony heard and the evidence received, it is my recommendation, as Special Master and after having considered the special considerations and findings regarding this matter, that the Town of Davie Council accept the request for mitigation from the original Code Enforcement lien amount of \$49,000.00 to the reduced sum of \$7,309.19.



ALAN L. GABRIEL, Esquire
Special Master

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