

# TOWN OF DAVIE

## TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Daniel J. Stallone, Code Compliance Official: 797-1121  
Mark A. Kutney, AICP, Development Services Director: 797-1101

**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 87-79 FROM \$73,015.82 TO \$16,772.66; AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The property owners were cited for the following violations of the Town of Davie Code:

Section 27-51: Commercial vehicle parking restricted, Section 27-142: Uses permitted, Section 11-17: Derelict property prohibited, Section 27-72: Storage on residential property prohibited and 27-62: Nuisance.

All violations have been corrected therefore mitigation is now possible.

**PREVIOUS ACTIONS:** Not applicable.

**CONCURRENCES:** The respondents agreed with the Mitigation Guidelines recommendation.

**FISCAL IMPACT:** Not applicable.

**RECOMMENDATION(S):** The mitigated amount will cover the Town expenses and the recommended mitigation amount of \$16,772.66 should be considered by the Town Council and the respondent/applicant given 45 days to pay the mitigated amount.

**Attachment(s):** Resolution, Mitigation Request Summary, Mitigation Worksheet, Mitigation Inspection Report and Mitigation Guidelines.

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

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF A CODE COMPLIANCE LIEN IN CASE NO. 87-79 FROM \$73,015.82 TO \$16,772.66; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, E. Leverett and Margie Leverett, have requested a mitigation of a Code Compliance lien from \$73,015.82 to \$16,772.66; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violations of Code Sections 27-51, 27-142, 11-17, 27-72, and 27-62 have been corrected.

WHEREAS, the mitigation amount of \$16,772.66 is in accordance with the mitigation guidelines; and

WHEREAS, E. Leverett and Margie Leverett, and the Town of Davie Code Compliance Division are agreeable to such mitigation; and

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 lien arising out of Case 87-79 in the amount of \$73,015.82, against E. Leverett and Margie Leverett, is hereby mitigated in amount to \$16,772.66.

SECTION 2. That this mitigated amount of \$16,772.66 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$16,772.66 not be paid within the specified time the lien shall revert to the original amount of \$73,015.82.

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

PASSED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

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

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2005

MITIGATION REQUEST SUMMARY

DATE: March 23, 2005

NAME: E. Leverett and Margie Leverett

ADDRESS: 13600 SW 37 Court

CASE: 87-079

SUMMARY:

Date Fine/Lien Imposed:	September 11, 1987
In the amount of:	\$ 27,500.00
	with interest
	\$ 73,015.82

---

Department Guideline recommended mitigation amount:	\$ 16,772.66
Amount the respondent desires to pay:	\$ 16,772.66

---

The property owner was cited for the following violations of the Town of Davie Code: Section 27-51: Commercial vehicle parking restricted, Section 27-142: Uses permitted, Section 11-17: Derelict property prohibited, Section 27-72: Storage on residential property prohibited and 27-62: Nuisance

All violations have been corrected therefore mitigation is now possible.

The mitigated amount will cover the Town expenses and the recommended mitigated amount of \$16,772.66 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

**TOWN OF DAVIE CODE COMPLIANCE  
MITIGATION WORKSHEET  
CASE # 87-79**

**Respondent(s):** E. Leverett and Margie Leverett

**Address:** 13600 SW 37 Court, Davie, FL

**Fine/Lien Amount:** \$ 73,015.82

**Mitigation Recommendation:**  
**(as per approved mitigation guidelines)**

a) 7.5% of \$ 73,015.82	=	\$ 14,603.16
b) 2% of \$ 73,015.82 55day of non-compliance equals 2% of lien/fine per 60 days of non-compliance	=	\$ 1,460.32
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 709.19
Total	=	\$ 16,772.66



**DEVELOPMENT SERVICES DEPARTMENT**

Administration 954-797-1101  
Planning & Zoning 954-797-1103  
Building & Occupational Licensing 954-797-1111  
**Code Compliance 954-797-1121**  
Engineering 954 797-1113

**TOWN OF DAVIE** 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399

**MITIGATION INSPECTION REPORT**

**CASE NO.** 87-79                      **DATE MITIGATION REQUESTED**    March 23, 2005  
**DATE FINAL ORDER ISSUED** N/A    **REINSPECTION DATE**    April 8, 2005  
**RESPONDENT(S)**    E. Leverette and Margie Leverette  
**PROPERTY ADDRESS**    13600 SW 37 Court

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

**MITIGATION HEARING DATE** (if applicable)    N/A

**LIST VIOLATIONS COMPLIED:** Section 27-51, 27-142, Section 11-17, Section 27-72, and Section 27-62.

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

**INSPECTOR**    DANIEL J. STALLONE

**DATE** APRIL 8, 2005

## TOWN OF DAVIE MITIGATION GUIDELINES

### FINE AMOUNT

### RECOMMENDATION

**Fine to \$10,000**

**2.5% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$10,000 - \$20,000**

**5.0% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$20,001 - \$30,000**

**7.5% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$30,001 - \$40,000**

**10.0% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$40,001 - \$50,000**

**12.5% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$50,001 - \$60,000**

**15.0% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$60,001 - \$70,000**

**17.5% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$70,001 - \$80,000**

**20.0% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$80,001 - \$90,000**

**22.5% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**\$90,001 - \$100,000**

**25.0% of the amount plus an additional 2%  
For each sixty (60) days of violation plus  
actual costs incurred by the Town.**

**Over \$100,000**

**30.0% of the amount plus an additional 2%  
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\* \$709.19**

**\*Subject to revision as per current staff salaries**