



02-02-11 A11:03

Item No. 9f.

AGENDA ITEM REQUEST FORM

Development Services

Jeff Bowman *[Signature]*

Department Director *[Signature]*

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- Feb 22, 2011
- Mar 22, 2011

- Feb 11 (5:00 pm)
- Mar 11 (5:00 pm)

- Feb 8, 2011
- Mar 8, 2011

- Jan 28 (5:00 pm)
- Feb 25 (5:00 pm)

*Subject to Change

- Presentation
- Resolution
- Reports
- Quasi Judicial
- Consent
- Old Business
- Ordinance
- New Business

SUBJECT TITLE: Mitigation of Recorded Liens for 266 Avalon Avenue, Case #08-KP-00591

EXPLANATION: The owner of this property (Dominion World, Inc. / Dino Sebastiani) is seeking to settle code enforcement liens. The property owner accrued daily fines (\$150 dollars) for failure to complete the construction/redevelopment of his single-family home within eighteen (18) months (February 1, 2009) of issuance of a permit. The requested relief must be approved by the Town Commission as it is outside the Town Manager's Authority. The table below provides a summary of the case:

Case #	Lien Amount	Relief Requested	Offered Settlement	Percent of Reduction	Days in Violation
08-KP-00591	\$66,150	\$56,227.50	\$9,922.50	85%	440

Total cost to the Town = approximately \$381 dollars (Staff time, Magistrate, Recordings, etc.)

Under our mitigation of lien policy, a settlement offer is to be evaluated under the following criteria:

1. The nature and gravity of the violation;

The gravity of the violation was considered non-hazardous, but the neighborhood was subject to the blight of an unfinished project for several years.

2. Any actions taken by the Respondent to correct the violation;

The property owner completed the redevelopment and received final inspections on July 16, 2010, which was 17 months after the 18 month construction period.

3. The length of time between the previously ordered compliance date and the date the violation was brought into compliance;

440 Days



4. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation;

No

5. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the Town;

From 2004' to 2008' fifteen (15) violations were issued and have been corrected; 8 overgrowth, 2 trash and debris, 2 no permits, 1 address numbers, 1 unpaved driveway, and 1 construction time expiration. There are no other open cases on this property.

RECOMMENDATION: Town staff recommends approving the 15% settlement amount offered. Should the Commission authorize a settlement, we recommend payment must be received within thirty (30) days or the settlement is void.

EXHIBITS: Exhibit 1 – Respondents Application (Case # 09-KM-01648)

Reviewed by Town Attorney

Yes No

Town Manager Initials *CJA*

Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Tel: (954) 776-0576
Fax: (954) 776-1857

954 776 3611

APPLICATION REQUEST FOR RELIEF OF RECORDED LIEN/LIENS WITH BROWARD COUNTY

The Town Commission is authorized to provide relief from liens established by the Code Compliance Special Magistrate and that have been recorded with Broward County.

* No application will be accepted or processed unless all violations on the property have been placed in compliance by Code Enforcement

CASE # _____

TOWN OF LAUDERDALE-BY-THE-SEA vs. DOMINION World, Inc.
(Name of Respondent(s) as listed)

NAME OF APPLICANT: (Print): DINO Sebastiani
(Person to attend Hearing)

ADDRESS OF APPLICANT: 5079 N. DIXIE HWY #172
(Full mailing address) Oakland Park FLORIDA 33334

PHONE NUMBER: 917-701-4570 or 954-873-0932

ADDRESS OF PROPERTY: 266 ANALON Avenue L.B.T.S
(Where violation(s) existed)

NATURE OF VIOLATION: EXPIRED PERMIT FINES

THIS PROPERTY CURRENTLY IS IS NOT (check one) INVOLVED IN LITIGATION

The following information (If applicable) must be provided with the application:

1. A copy of the Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
2. A copy of the Foreclosure Order, with the date, book and page shown;
3. A copy of the Certification of Lien Order, with the recording date, book and page shown;
4. A copy of Final Order;
5. A copy of the new Certificate of Title, with the recording date, book and page shown;
6. A copy of the Town's Order of Imposition of Fine;
7. A copy of the Claim of Lien with the recording date, book and page shown.

WHY RELIEF SHOULD BE GRANTED (This section must be completed): _____

Attached Letter.

(Attach additional pages if needed along with any supporting documentation)

LAUDERDALE-BY-THE-SEA
RECEIVED
SEP 13 2010
DEVELOPMENT
SERVICES

NAME OF ATTORNEY: _____
IF APPLICABLE: Information to be completed by attending Attorney ONLY

ADDRESS OF ATTORNEY: _____

PHONE NUMBER: _____

I CERTIFY THAT I am the current owner of the subject property or an Attorney for said owner or, that I am the legal representative for the property or otherwise authorized to act on behalf of the property owner in this matter.

Dino Sebestian
Signature of Applicant/Attorney

aug 15-2010
Date

(NOTE: Proof of such lawful authority or written authorization from the property owner must be provided by the applicant prior to this matter proceeding to hearing before the Special Magistrate.)

DOMINION WORLD, INC.

5079 N DIXIE HWY #172

OAKLAND PARK, FLORIDA 33334

TEL(917)701-4570

FEBRUARY 1,2011

TO:TOWN OF LAUDERDALE BY THE SEA

4501 OCEAN DRIVE

LAUDERDALE BY THE SEA, FLORIDA 33308

CASE #08-KP-00591

AT THIS PRESENT TIME THE PROPERTY CONCERNING THIS CASE 266 AVALON AVE. LBTS, FL HAS BEEN C. O . BY BROWARD COUNTY FLORIDA BUILDING DEPARTMENT. THE PERMIT REGARDING THIS PROPERTY HAS BEEN FULLY CLOSED OUT #02-2411. WE UNDERSTAND THERE IS SOME FINES BROUGHT AGAINST US BY LBTS. WE ARE REQUESTING THE FINES TO BE MIDIGATED. OUR COMPANY HAS BEEN SUFFERING FINANCIAL PROBLEMS FOR THE LAST 3 YEARS THAT IS THE REASON THIS PROJECT TOOK SO LONG TO BE COMPLETED.WE HAVE EXHAUSTED ALL OUR FINANCIAL RESOURCES JUST TO CLOSE OUT THE PERMIT. BROWARD COUNTY HAS WORKED WITH US IN THESE DIFFICULT TIMES TO HELP US CLOSE OUT THE PERMIT WITH THE BARE MINIMUM. THE FINES ARE IN EXCESS OF \$66,000.00. I AM PLEASE REQUESTING THESE FINES BE MIDIGATED. I AM REQUESTING MY FINES BE MIDIGATED TO THE AMOUNT OF \$9922.50. I ALSO WANT TO THANK ANY CITY OR COUNTY INSPECTORS THAT HAVE ASSISTED US IN THIS SITUATION.

SINCERELY

DINO SEBASTIANI



[Previous on List](#) [Next on List](#) [Return To List](#)

[Events](#)

[No Name History](#)

[Entity Name Search](#)

Detail by Entity Name

Florida Profit Corporation

DOMINION WORLD, INC.

Filing Information

Document Number P01000114571
FEI Number 010878835
Date Filed 11/30/2001
State FL
Status INACTIVE
Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT
Event Date Filed 09/14/2007
Event Effective Date NONE

Principal Address

5079 N DIXIE HWY., #172
FT. LAUDERDALE FL 33334

Changed 11/30/2006

Mailing Address

5079 N. DIXIE HWY., #172
FT. LAUDERDALE FL 33334

Changed 11/30/2006

Registered Agent Name & Address

SEBASTIANI, ROCCO
5079 N. DIXIE HWY., #172
FT. LAUDERDALE FL 33334

Name Changed: 11/30/2006

Address Changed: 11/30/2006

Officer/Director Detail

Name & Address

Title P

SEBASTIANI, ROCCO
5079 N. DIXIE HWY., #172
FT. LAUDERDALE FL 33334

Title VP

SEBASTIANI, SHEREE
5079 N. DIXIE HWY., #172



Click here to display your 2008 TRIM Notice.

Site Address	266 AVALON AVENUE , LAUDERDALE BY THE SEA	ID #	4943 18 07 2190
Property Owner	DOMINION WORLD INC	Millage	0211
Mailing Address	5079 N DIXIE HWY #172 OAKLAND PARK FL 33334	Use	00

Legal Description	SILVER SHORES SEC OF LAUDERDALE BY THE SEA UNIT B 31-3 R LOT 11 BLK 25
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Property Assessment Values					
Year	Land	Building	Just Value	Assessed / SOH Value	Tax
2009	\$370,250		\$370,250	\$370,250	
2008	\$370,250		\$370,250	\$370,250	\$7,240.72
2007	\$370,250		\$370,250	\$370,250	\$7,317.47

IMPORTANT: All 2009 values shown – including just value and portability – are NOT certified values and will likely change several times before final certification of new ad valorem values on July 1, 2009.

2009 Exemptions and Taxable Values by taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$370,250	\$370,250	\$370,250	\$370,250
Portability	0	0	0	0
Assessed/SOH	\$370,250	\$370,250	\$370,250	\$370,250
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$370,250	\$370,250	\$370,250	\$370,250

Sales History – Search Subdivision Sales				
Date	Type	Price	Book	Page
12/6/2001	WD	\$267,500	32538	1123
8/13/2001	WD	\$222,000	32031	1402
2/1/1978	WD	\$67,000	7434	609
7/1/1972	WD	\$37,000		
5/1/1963	WD	\$21,500		

Land Calculations		
Price	Factor	Type
\$5,000	74.05	FF
Adj. Bldg. S.F. (See Sketch)		

Special Assessments					
Fire	Garbage	Light	Drainage	Improvement	Safe
02			LB		
L			LB		
1			1		

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**TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
4501 N. OCEAN DRIVE
Lauderdale-By-The-Sea, Florida 33308**

CFN # 108956280
OR BK 46643 Pages 662 - 665
RECORDED 11/04/09 09:28:53
BROWARD COUNTY COMMISSION
DEPUTY CLERK 1922
#5, 4 Pages

**BEFORE THE SPECIAL MAGISTRATE
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

TOWN OF LAUDERDALE-BY-THE-SEA,

Petitioner

v.

Case No. 08-KP-00591

**DOMINION WORLD
5079 N. Dixie Highway #172
Oakland Park, FL 33334**

Respondent(s).

_____ /

The above referenced case was heard on March 18, 2009 and Respondent did not appear at the hearing. A Notice of Violation was issued on February 4, 2009 with a correction date of February 15, 2009. Compliance was not gained on February 15, 2009. The Special Magistrate ordered the Respondent forty-five (45) days from the hearing date to bring the violation into compliance or be assessed a fine of One Hundred Fifty (\$150.00) per day for the period of non-compliance and also imposed a One Hundred Fifty (\$150.00) Dollar Administrative Fee.

The property located at 266 Avalon Avenue, Lauderdale-By-The-Sea, Florida, corresponding to Folio #93-07-2190, legally described as:

SILVER SHORES UNIT B 31-3 B LOT 11 BLK 25

Has not been brought into compliance and the Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still owed and a daily fine of One Hundred Fifty (\$150.00) Dollars began to accrue on May 3, 2009 and continues to accrue until compliance is gained. Final Order was mailed March 23, 2009 and a signed return receipt was received. On August 28, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date September 16, 2009 and a signed return receipt was received. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of March 18, 2009 required the Respondent to bring the property into compliance forty-five (45) days from the hearing date or be assessed a daily fine of One Hundred Fifty (\$150.00) Dollars and an Administrative Fee of One Hundred Fifty (\$150.00) Dollars was also imposed.
2. The Respondent has not brought the violation into compliance and the Administrative Fee of One Hundred Fifty (\$150.00) Dollars is owed and the

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daily fine of One Hundred Fifty (\$150.00) Dollars continues to accrue as of May 3, 2009. As of the September 16, 2009 Certification of Lien Intent hearing, the daily fine of One Hundred Fifty (\$150.00) Dollars has accrued to a total of Twenty Thousand Five Hundred Fifty (\$20,550.00) Dollars and continues to accrue plus an Administrative Fee of One Hundred (\$150.00) is still owed. Therefore, Special Magistrate certifies fines for the Administrative Fee of One Hundred Fifty (\$150.00) Dollars and a daily fine of One Hundred Fifty (\$150.00) Dollars that continues to accrue until compliance is gained.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 16th day of September, 2009.

ATTEST:

BY: Colleen Tyrrell
Colleen Tyrrell, Secretary for the Special Magistrate

Special Magistrate of the
Town of Lauderdale-By-The-Sea

BY: Gordon B. Linn
Gordon B. Linn, Special Magistrate

() Personally known to me

Copied furnished to:

DOMINION WORLD
5079 N. Dixie Highway #172
Oakland Park, FL 33334

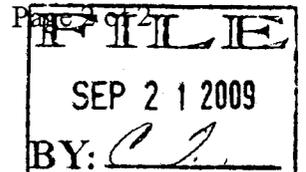
CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

7th day of December, 2009
N. B. Linn Town clerk

Case No. 08-KP-00591



**TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
CODE COMPLIANCE SPECIAL MAGISTRATE**

CASE NUMBER: 08-KP-00591

TOWN OF LAUDERDALE BY THE SEA,
MUNICIPAL CORPORATION OF FLORIDA

PETITIONER

VS.

**DOMINION WORLD
5079 N. Dixie Highway #172
Oakland Park, FL 33334**

RESPONDENT

FINAL ORDER

HEARING DATE: March 18, 2009

VIOLATION(S): Completion of construction project within 18 months.

CODE SECTION: T.C. 6-12

An Administrative hearing was held before the Special Magistrate on March 18, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at:
266 Avalon Avenue, Lauderdale-By-The-Sea, FL 33308 and more particularly described as follows:

Tax Folio Number (Property I.D.): 9318-07-2190

At the hearing held on this matter on March 18, 2009 the Petitioner Town presented testimony by Code Compliance Officer Kami Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker cited the property on February 4, 2009. Officer Parker said Dominion World was in violation of the Town's Ordinance 6-12 and indicated that the Respondent had not sent a letter to the Town Clerk requesting an extension to complete the construction. Officer Parker requested that the Respondent be given 45 days from the hearing date to bring the property into compliance. Failure to bring the property into compliance within the 45 day timeframe, a \$150.00 fine per day would be assessed. Officer Parker also requested that an Administrative Fee of \$150.00 would also be imposed. The Respondent was not present at the hearing.

CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION F.B.C 105(1) AND TOWN CODE SECTION 6-12.

Respondent: DOMINION WORLD
CASE NUMBER: 08-KP-00591

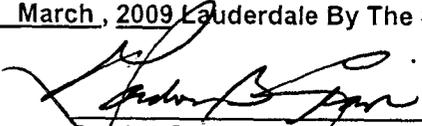
Page 2.

IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

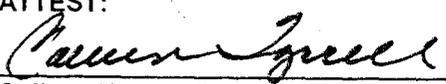
FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE PROPERTY WAS NOT IN COMPLIANCE AND REQUESTED THAT THE RESPONDENT BE GIVEN FORTY-FIVE (45) DAYS FROM THE HEARING DATE TO BRING THE PROPERTY INTO COMPLIANCE OR A ONE HUNDRED FIFTY (\$150.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE TOWN ALSO REQUESTED AN ADMINISTRATIVE FEE OF ONE HUNDRED FIFTY (\$150.00) DOLLARS.

THE SPECIAL MAGISTRATE GRANTS THE PETITIONER'S REQUEST AND ORDERED THAT THE RESPONDENT BE GIVEN FORTY-FIVE (45) DAYS FROM THE HEARING DATE TO BRING THE PROPERTY INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE FORTY-FIVE (45) DAY TIMEFRAME, A ONE HUNDRED FIFTY (\$150.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE ALSO IMPOSED AN ADMINISTRATIVE FEE OF ONE HUNDRED FIFTY (\$150.00) DOLLARS. THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 18TH day of March, 2009 Lauderdale By The Sea, Florida.


Gordon B. Linn, Special Magistrate

ATTEST:

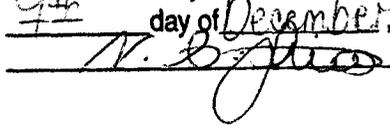

Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

7th day of December, 20 09

Town clerk

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

