



**CITY OF FORT LAUDERDALE
APPLICATION FOR CITIZEN PRESENTATION
FIRST MEETING OF THE MONTH
CITY COMMISSION REGULAR MEETING (6:00 P.M.)
(Please Print or Type)**

2014 OCT 27 PM 1:00
CITY CLERK'S OFFICE

City Commission Meeting Date Requested: Dec 2nd 2014 (Fill in Date) 2014 OCT 27 PM 4:30
 Name of Individual Making Presentation: MATT HAYIBI, ESQ
 Street Address: P.O. BOX 2441
 City, State, Zip Code: FT Lauderdale, FL 33303
 Daytime Telephone Number: 954-728-9696 Evening Telephone Number: _____
 Facsimile Number: 954-927-9814 E-Mail Address: Matt@Mhayibi@aol.com

CITY CLERK

Briefly describe topic to be discussed: SEE ATTACHED
Mitigation of sewer line case 07-100272
for property located at 1600 SW 17 Ave, FT Lauderdale,
FLA

IMPORTANT INFORMATION:

- Speakers will be afforded the opportunity to address the Commission at the first Regular Commission Meeting of each month.
- Speakers will be allowed a maximum of three (3) minutes to address the City Commission. (If more than one speaker will be making your presentation, a total of 3 minutes will be allotted for such presentation.)
- The promoting, advertising or marketing of any product or service is prohibited.
- A maximum of five (5) applications will be accepted for any City Commission meeting. All other applications received will have the option of being scheduled for a future meeting. *APPLICATIONS WILL BE REVIEWED/ACCEPTED ON A FIRST COME, FIRST SERVED BASIS. IF A SPEAKER HAS ALREADY SPOKEN THE PREVIOUS MONTH AND MORE THAN FIVE (5) APPLICATIONS ARE RECEIVED, THEN SUCH SPEAKER WILL BE SCHEDULED FOR THE FOLLOWING MONTH IN ORDER TO GIVE NEW SPEAKERS THE OPPORTUNITY TO BE HEARD.*
- If you wish to provide additional information, please attach it to your application.
- This document may be a public record under Florida law, which defines "public records" to mean, all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
- This document will be made a part of the City Commission agenda and will be viewable on the City's website.
- Complete applications (including attachments) must be received by the City Clerk's Office, City Hall, 100 North Andrews Avenue, 7th floor, no later than 12:00 noon the Wednesday prior to the week the City Commission meeting is held.

For questions or additional information, please contact the City Clerk's Office at (954) 828-5002 or e-mail JJoseph@fortlauderdale.gov

RE: Mitigating out Code lien 07-100272 City of Fort Lauderdale v Joseph Batalini relating to failure to hook up to City Sewer.

Mr. Joseph Batalini regarding various financial matters concerning his residential home located at 1600 SW. 17th Ave, Fort Lauderdale Florida. The reason why this matter has extended for such a prolonged period of time was that Mr. Batalini had ongoing litigation regarding the second mortgage on this property with Wells Fargo bank. At the time the loan was originated it was supposed to be a business loan. Unbeknownst to Mr. Batalini the bank cross collateralized his personal residence when that should not have taken place. Because the second mortgage was such a large amount the property would be over encumbered and would not make sense for Mr. Batalini to do any further improvements to the subject property until this matter was resolved.

There was a trial in which the second mortgage was extinguished from the property so that Mr. Batalini can now pick up the pieces and move forward regarding commencing with connecting to the sewer. I recognize that the city commission has adopted a matrix to be utilized for purposes of trying to reduce running daily fines as it pertains to not connecting to the sewer.

I spoke to Ms. Emory Lopez on September 15, 2014 and she indicated that based upon the matrix that approximately \$34,000 would have to be paid for purposes of resolving this code lien. I can demonstrate to you that Wells Fargo Bank just resolved this matter yesterday (see enclosed recorded document) so we are doing everything in our power to connect to the sewer. As a matter fact, we're in the process of pulling a permit for the sewer and hope to have this matter completed by next week.

The code fine of \$34,000 is approximately 10 times greater than the cost of connecting to the sewer. Request is hereby being made to see if we can go ahead and mitigate this code lien to a more affordable amount of \$5,000.00 I appreciate whatever assistance you can give to help resolve and mitigate this matter and Mr. Batalini wants to thank you in advance for kind consideration to this request.

CITY CLERK
2014 OCT 27 PM 4:37

ORDER IMPOSING A FINE

SPECIAL MAGISTRATE
CITY OF FORT LAUDERDALE, FLORIDA

Space Reserved for Recording Information

CITY OF FORT LAUDERDALE
Petitioner,

CASE NO. CE07100272

v. **THIS IS NOT AN OFFICIAL COPY**
BATALINI, JOSEPH JAMES
Respondent(s)

That pursuant to Section 162.09 of the Florida Statutes, the City of Fort Lauderdale Special Magistrate, 100 North Andrews Avenue, Fort Lauderdale, Florida 33301, hereby enters its Order based on the following findings of fact and conclusions of law. Please be advised that this Order shall constitute a lien on your property.

- 1. That the violation(s) of the City of Fort Lauderdale Code of Ordinances occurred on the following described real property situate, lying and being in Broward County, Florida, to wit:

Folio: 0216350190

Legal: BOSSERT ISLES 46-42 B LOT 19 LESS COMM SW COR OF SAID LOT, E ALG S/L 73.07 TO POB, SELY 45.76, NWLY 31.86 NWLY 14.30 TO POB

More commonly known as: 1600 SW 17 AVE

- 2. That the Special Magistrate did issue on the 17th day of December 2007, a Final Order in the above captioned case commanding the above named respondent(s) to bring the violations specified in said Final Order into compliance on or before the 16th day of January 2008, or pay a fine in the amount of \$100.00 per day for each day of non-compliance thereafter.
- 3. That the respondent(s) did not comply with the Final Order on or before the date specified therein as evidenced by the Inspector filing an executed Affidavit of Non-Compliance with the Special Magistrate.
- 4. It is the order of the Special Magistrate that the fine specified in said Final Order is hereby confirmed and ratified, and shall accrue at the per diem specified until such time as the above named Respondent(s) shall comply with said Final Order, plus the recovery of reasonable attorney's fees in any foreclosure of the lien.
- 5. The City shall record a certified copy of this Order in the Public Records of Broward County. Once recorded, this Order shall constitute a lien on the subject property as well as on any other real or personal property owned by the Respondent.

I certify this document to be a true and correct copy of the original.
WITNESS MY HAND AND SEAL
3/7/08
[Signature]
City of Fort Lauderdale, Fla.

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Case No: CE07100272
Property: 1600 SW 17 AVE

LIEN AND FORECLOSURE NOTICE:

Please be advised that this lien shall be recorded in the public records for Broward County and may be foreclosed by the City of Fort Lauderdale if not paid in full within ninety days.

DONE AND ORDERED this 25th day of February 2008.

Floyd V. Hull
Special Magistrate

ATTEST:

[Signature]
Clerk, Special Magistrate

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STATE OF FLORIDA
COUNTY OF BROWARD

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared Floyd V. Hull, Special Magistrate, known to me to be the person described therein and who executed the foregoing instrument and acknowledged before me that he executed same, and who did (did not) take an Oath.

WITNESS my hand and official seal in the County and State as aforesaid this 3 day of March 2008.

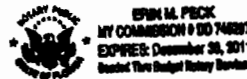
This instrument prepared by:
City Attorney's Office
City of Fort Lauderdale
100 North Andrews Avenue
Fort Lauderdale, Florida 33301

[Signature]
NOTARY PUBLIC, State of Florida

Print Name

My Commission Expires

Return to:
Erin M. Peck
Code Enforcement Division
City of Fort Lauderdale
700 Northwest 19th Avenue
Fort Lauderdale, Florida 33311
(954) 828-5327



I certify this document to be a true and correct copy of the original.
WITNESS MY HAND AND SEAL
on 3/1/08
Erin M. Peck
Notary Public, State of Florida

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Code Enforcement Detail			
Case Number	CE07100272	Tenant	
Case Date	10-04-2007	Priority	
Origination	DISC - DISCOVERED BY INSPECTOR	Status	O - OPENED
Operator	cahid	Officer	898
Fines Balance	\$244,000.00		
Lien Balance	\$0.00		
Total Balance	\$244,000.00		
Property On Case			
FOLIO NBR	0216350190	Owner	TRINITY HOMES LLC
Property Address	1600 SW 17 AVE	Owner Address	1808 W TERRAMAR DR
City/State/Zip	FORT LAUDERDALE FL 33312	City/State/Zip	LAUDERDALE BY THE SEA FL 33062
		Phone	
Case Description			
NOT CONNECTED TO CITY SEWER SYSTEM.			
Violation Code(s)			
1: 28-33(A) -- CONNECTION TO SANITARY SEWER			
Inspections/Events Detail			
DATE	TIME	INSPECTION / EVENT TYPE	INSTRUCTIONS / COMMENTS
09-29-2014	02:23 PM	ADD/UPDATE INFORMATION	RECEIVED A VOICEMAIL FROM A MR.LAWRENCE ADVISING PERMIT WAS ISSUED. I STOPPED THE FINES FROM ACCRUING & CONTACTED MR LAWRENCE AT 754-244-2200...LORI
09-22-2014	02:15 PM	COMMENT BY OPERATOR	IN COMPLIANCE 28-33(A) COMPLIANCE DATE WAS : 09/22/14 PERMIT ISSUED & FINALED
11-18-2012	07:42 AM	REINSPECTION	
09-18-2012	07:42 AM	REINSPECTION	NO PERMIT. ES
05-18-2012	07:42 AM	REINSPECTION	NO PERMIT. ES
02-27-2012	07:41 AM	REINSPECTION	NO PERMIT. ES
07-22-2011	03:12 PM	REINSPECTION	NO PERMIT. EP
01-05-2011	03:12 PM	REINSPECTION	NO PERMIT. EP
10-18-2010	08:38 AM	REINSPECTION	NO PERMIT. EP
05-06-2009	08:38 AM	REINSPECTION	NO PERMIT. EP
02-06-2009	01:27 PM	REINSPECTION	NO PERMIT. EP
11-05-2008	12:20 PM	REINSPECTION	NO PERMIT APPLIED FOR. EP
09-22-2008	10:22 AM	REINSPECTION	NO PERMIT APPLIED FOR. EP
08-20-2008	02:57 PM	REINSPECTION	NO PERMIT APPLIED FOR. EP
		REINSPECTION	NO PERMIT APPLIED FOR. EP

06-30-2008	08:56 AM		
05-14-2008	02:48 PM	REINSPECTION	NO PERMIT APPLIED FOR. EP
03-17-2008	01:14 PM	COMMENT BY OPERATOR	LIEN RECORDED 03/07/08 FOR 0.00 BOOK 45164 PAGE 1654-1655
02-25-2008	12:47 PM	MASSEY HEARING COMMENTS	FINES IMPOSED BY THE S.M. AT THE 02/25/2008 HEARING. EP
02-25-2008	09:18 AM	MASSEY HEARING SCHEDULED	SM: F.S.S. 162.09 SCHEDULED FOR 02/25/2008 CERT AND FIRST CLASS MAIL SENT TO OWNER ON 01/17/2008 ADVISING OF HEARING. EP
02-22-2008	11:53 AM	REINSPECTION	NO PERMIT (DC)
01-17-2008	09:03 AM	REINSPECTION	NO PERMIT APPLIED FOR AS OF TODAY'S DATE. EP
12-18-2007	07:02 AM	ORDER OF BOARD SENT	SMORDER PRINTED BY CAHID
12-17-2007	03:38 PM	COMMENT BY OPERATOR	ADDED FINE ON 28-33(A) START DATE: 01/17/08 FINE AMT: 100.00 AT THE WW 12/17/07 HEARING SM HULL ORDERED 30 DAYS TO COMPLY OR \$100.00 A
12-17-2007	03:31 PM	ADD/UPDATE INFORMATION	DAY THEREAFTER (DC)
12-17-2007	11:59 AM	HEARING SCHEDULED	12/17/2007 HEARING SCHEDULED CAHID
12-14-2007	03:40 PM	REINSPECTION	NO PERMIT (DC)
11-26-2007	01:55 PM	ADD/UPDATE INFORMATION	NO SERVICE AT WW 11/26/07 HEARING, RESCHEDULED FOR 12/17/07 HEARING FOR POSTING (DC)
11-26-2007	11:59 AM	VIOLATION	SMNOV PRINTED BY CAHID
11-26-2007	07:36 AM	HEARING SCHEDULED	11/26/2007 HEARING SCHEDULED CAHID
11-21-2007	07:52 AM	REINSPECTION	NO PERMIT (DC)
10-22-2007	07:36 AM	VIOLATION	SMNOV PRINTED BY CAHID
10-19-2007	11:45 AM	REINSPECTION	NO PERMIT, SCHEDULE FOR SM 11/26/07 (DC)
10-04-2007	10:54 AM	ADD/UPDATE INFORMATION	INSPECTION REPORT SENT FIRST CLASS TO OWNER. EP
10-04-2007	07:26 AM	INITIAL CASE RECORDED	VIOLATION RECORDED CAHID
10-04-2007	07:26 AM	INSPECTION (INITIAL)	NOT CONNECTED TO CITY SEWER SYSTEM.