



## EXECUTIVE SUMMARY

To: Greg Veliz, City Manager  
Cc: Patti McLauchlin, Assistant City Manager  
From: Jim Young, Director of Code Compliance *JY*  
Date: November 1, 2019  
Subject: 523 Elizabeth Street Mitigation of Lien

---

### **Action statement:**

On October 17, 2019 a lien mitigation form was submitted to the City by attorney Lee Rohe, who is representing the former property owner, Janice Isherwood. The City filed three liens on the subject property located at 533 Elizabeth Street, Key West, FL. The total amount of the liens are Thirty-Six Thousand and Five Hundred Dollars, (\$36,500.00). Mr. Rohe is offering Twenty-Five Dollars, (\$25.00) for the release of the liens placed by the City of Key West Code Compliance Department on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien). On October 22, 2019 a second lien mitigation form was submitted by Ms. Isherwood. The second form had a money order in the amount of Twenty-Five Dollars payable to the City of Key West attached to it. The money order was not accepted and returned to her attorney.

### **Recommendation:**

City Management as well Staff recommend the City Commission accept the full amount of the liens that are owed to the City, (\$36,500.00).

### **Background:**

#### **Case Number 14-1821**

On December 31, 2014 City of Key West Building Inspector David Ray filed a complaint with Code Compliance regarding a deck built over a cistern at this property without the required permits.

On January 5, 2015 a Courtesy Notice was issued to Ms. Isherwood requesting her to obtain the required permits.

On January 23, 2015 a Notice of Code Violation was hand delivered to Ms. Isherwood.

On April 25, 2015 a Notice of Code Violation / Notice of Hearing was hand delivered to Ms. Isherwood. The hearing date was scheduled for April 29, 2015.

On April 29, 2015 the Special Magistrate found Ms. Isherwood was in violation of not having the required building permit and HARC certificate. The Special Magistrate assessed an Administrative Cost in the amount of Two Hundred and Fifty Dollars, (\$250.00), and a daily fine in the amount of Two Hundred and Fifty Dollars, (\$250.00) if compliance was not achieved by May 26, 2015.

On May 27, 2015 a compliance hearing was conducted, the Special Magistrate found Ms. Isherwood had not achieved compliance and initiated the daily fine.

On May 28, 2015 Ms. Isherwood achieved compliance.

On November 19, 2015 a lien in the amount of Five Hundred Dollars, (\$500.00), was filed with the Monroe County Clerk's Office in Book 2770 on Page 1025.

#### **Case Number 16-0020**

On January 6, 2016 Code Compliance received a complaint from Carolyn Blackwell, 525 Elizabeth Street, that at the subject property there is a lot of trash in the yard also the property owner, Janice Isherwood, has numerous cats in the yard that defecate in the yard causing a horrible smell.

On February 7, 2016 a Notice of Code Violation / Notice of Hearing was personally issued to Ms. Isherwood. The hearing date was scheduled for February 24, 2016; however, it was continued to the March 30, 2016 hearing date.

On March 30, 2016 the Special Magistrate found Ms. Isherwood was in violation of failing to maintain the property free of debris, bulk waste and empty bags and cans of cat food. The Special Magistrate assessed an Administrative Cost in the amount of Two Hundred and Fifty Dollars, (\$250.00), and a fine in the amount of Two Hundred and Fifty Dollars, (\$250.00) if compliance was not achieved by April 26, 2016.

On April 27, 2016 a compliance hearing was conducted, the Special Magistrate found Ms. Isherwood had not achieved compliance and imposed the fine.

On August 10, 2016 a lien in the amount of Five Hundred Dollars, (\$500.00), was filed with the Monroe County Clerk's Office in Book 2810 on Page 177.

#### **Case Number 17-0869**

On June 8, 2017 Code Compliance received a walk-in anonymous complaint that there is a pool on the property that is not being utilized and collecting water and is a breeding ground for mosquitoes. There is also an active beehive on the subject property along with trash in the pool and numerous cats in the yard causing a very strong urine odor.

On August 13, 2017 a Repeat Notice of Code Violation / Notice of Hearing was posted at the subject property. The hearing date was scheduled for August 30, 2017.

On August 30, 2017 the Special Magistrate found Ms. Isherwood was in violation of failing to clean property and failing to remove all substances that emit or cause foul, obnoxious, unhealthful or disagreeable odor. The Special Magistrate assessed an Administrative Cost in the amount of Two Hundred and Fifty Dollars, (\$250.00), and a fine in the amount of Five Hundred Dollars, (\$500.00) if compliance was not achieved by September 26, 2017.

On September 27, 2017 a compliance hearing was conducted, the Special Magistrate found Ms. Isherwood had not achieved compliance and imposed the daily fine of Five Hundred Dollars.

On November 27, 2017 a lien was filed with the Monroe County Clerk's Office in Book 2880 on Page 1307.

On February 2, 2018 the property achieved compliance. However, the total of the lien had accrued to Thirty-Five Thousand Five Hundred Dollars, (\$35,500.00).

The total amount of the liens owed to the City is Thirty-Six Thousand Five Hundred Dollars, (\$36,500.00).

On July 29, 2019 Judge Timothy J. Koenig issued an Order for Disbursement of Surplus Funds from the sale of the subject property. The order states the total of excess funds was Two Hundred and Eight Thousand Nine Hundred and Eight Dollars and Fifty-Four Cents, (\$208,908.54). Ms. Isherwood received One Hundred and Seventy-Two Thousand Four Hundred and Eight Dollars and Fifty-Four Cents, (\$172,408.54). The Clerk of the Court is holding Thirty- Six Thousand Five Hundred, (\$36,500.00), in the registry of the Court that is being claimed by the City of Key West.