



THE CITY OF KEY WEST
Post Office Box 1409 Key West, FL 33041-1409
(305) 809-3700

AMENDED EXECUTIVE SUMMARY

Date: September 14, 2021

To: City Commission

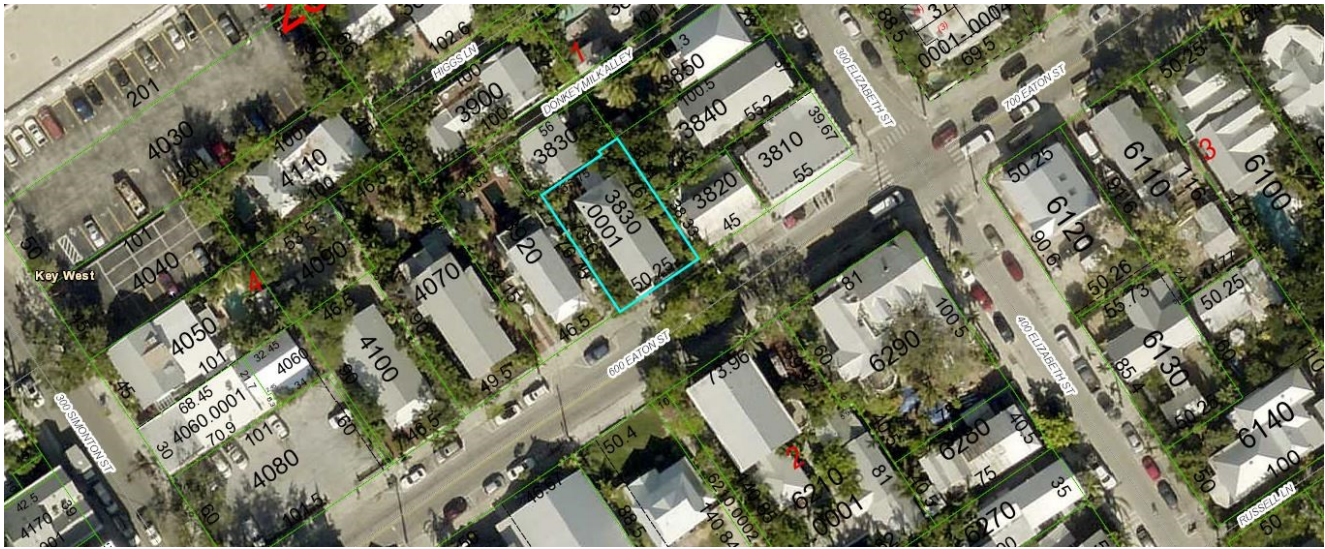
CC: Patti McLauchlin, City Manager
Shawn D. Smith, City Attorney

From: Nathalia A. Mellies, Assistant City Attorney
Jim Young, Director of Code Compliance

Re: 621 Eaton St. Lien Mitigation

Background

The City of Key West received a mitigation request from Robert Cintron, Esq., on behalf of Andrea Shae Morgan (“Owner”), the owner of the property, for liens recorded against 621 Eaton Street.



The subject property is a residential property purchased on November 12, 2001, by the Owner for \$555,000.00.¹ The property is currently valued at \$1,116,035.00 as

¹ Monroe County Property Appraiser’s Office

of September 8, 2021. ² The property is currently in foreclosure. A brief history of the foreclosure case, as available by public record, is shown below in **Table 1**.

During Ms. Morgan’s ownership, Code Compliance staff processed Code Case No. 13-0758. Violations incurred were for failure to pay utility payments. Compliance was achieved on January 27, 2015. The history of the code compliance case is shown below in **Table 2**.

Table 1: Foreclosure Case³

DATE	NARRATIVE
11/12/2001	Owner purchases subject property.
09/28/2016	HMC Assets, LLC solely in its capacity as Separate Trustee of PAM I Trust (“Bank”) filed a Real Property Mortgage Foreclosure Action against the Owner and others, including the City of Key West (Case no. 2016-CA-817-K).
07/20/2021	Bank files its renewed Motion for Summary Judgment, noticed for hearing on October 1, 2021.
07/20/2021	Bank files affidavit in support of its Motion for Summary Judgment alledging it is owed \$948,894.99.

Table 2: Case History, CC13-0758

DATE	NARRATIVE
06/06/2013	Code Compliance received a complaint from the City of Key West Utilities Department that the subject property owner, Andrea Shae Morgan, owed the City Four Thousand Five Hundred and Thirty-One Dollars and Thirty-Nine Cents, (\$4,531.39), in past due utility payments. An email message was sent to Ms. Morgan advising her of the past due money owed to the City. The email also advised on June 14, 2012, the City had filed Utility Liens in the following amounts, Three Hundred and Ninety Dollars and Thirty Cents, (\$390.30), Two Thousand Six Hundred Dollars and Forty Cents, (\$2,600.40), and One Thousand Five Hundred and Forty Dollars and Sixty-Nine Cents, (\$1,540.69). A Notice of Code Violation / Notice of Hearing for the June 26, 2013, hearing date was sent via certified mail.
06/13/2013	The Notice of Code Violation/Notice of Hearing was signed for by Ms. Morgan.
10/30/2013	The court hearing was continued to October 30, 2013 at which time the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinances Section 74-206, owner's responsibility for payment of sanitary sewer system account and Section 74-209, sanitary sewer system account being delinquent. The Special Magistrate assessed a Two Hundred and Fifty Dollar, (\$250.00), Administrative Fee and a Two Hundred and Fifty Dollar,

² Monroe County Property Appraiser’s Office

³ Monroe County Clerk of the Courts

	(\$250.00), daily fine if compliance was not achieved by November 19, 2013.
11/20/2013	The Special Magistrate found the subject property owner had not achieved compliance and imposed the Administrative Cost and daily Fines.
01/27/2015	The subject property owner achieved compliance by paying the past due utility account, however, the fine amount had accumulated to One Hundred and Eight Thousand Five Hundred Dollars, (\$108,500.00).
01/28/2015	The Special Magistrate imposed an order for a lien to be filed.
05/28/2015	A lien was filed with the Monroe County Clerk of Courts in Book 2742, Page 1897. The total amount of the lien was One Hundred and Eight Thousand Five Hundred Dollars, (\$108,500.00).
07/16/2019	Upon the request of the Owner, the City Commission approved Resolution 19-4369 authorizing the City Manager to enter into an agreement with Andrea Shaye Morgan, through her representative attorney Robert Cintron, permitting a release of lien upon payment by the Owner in the amount of Twenty Thousand Dollars, (\$20,000.00), within thirty days of the approved resolution. The Twenty Thousand Dollars (\$20,000.00), was never paid to the City.

A summary of the fines and offered settlement is shown in **Table 3**. The applicant is requesting an 81.57% reduction in fines.

Table 3: Code Fines Summary

Fines Due	Settlement Offered	Reduction Requested
\$108,500.00	\$20,000.00	81.57%

Recommendation

Staff recommends the Commission hear from the applicant/representative, determine the appropriate mitigation amount for the lien, require full payment of that mitigated amount on or before the closing date, and direct Staff to provide the applicant/representative with a Release of Lien for recording with the Monroe County Clerk of the Courts but only upon receipt of the mitigation amount in full.