



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young Director of Code Compliance *JY*
Date: October 29, 2018
Subject: 2804 Seidenberg Avenue Mitigation of Lien

Action statement:

Property owner Lissette Cuervo Carey provided a request to mitigate a lien placed on the property located at 2804 Seidenberg Avenue, Key West, FL. The total amount of the lien is Two Hundred and Seventy-One Thousand and Nine Hundred and Fifty Dollars, (\$271,950.00). Mrs. Carey is offering no additional cost other than what has been spent to achieve compliance, for the release of the lien 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).

Background:

On December 31, 2009 the City of Key West Code Compliance Department received a complaint that a front room and shed had been built at the subject property, 2804 Seidenberg Avenue, Key West, FL without the required building permits.

On February 24, 2010 a Notice of Code Violation, NOCV, was issued via certified mail to the subject property owner/representative, Dianne Lisett.

On February 25, 2010 the NOCV was received by Dianne Lisett.

On August 5, 2010 a Notice of Hearing, NOH, is issued to the listed property owners/Respondent, Lissette Cuervo and Louis Cuervo, T/C. The NOH is returned to the Code Compliance Department stamped unclaimed.

On August 20, 2010 the NOH is posted at the subject property. The date of the Hearing is September 1, 2010.

On September 1, 2010 the Respondent acknowledged the construction of an addition had occurred without the benefits of the required permits. The case was continued to December

8, 2010. A continuance was granted to the January 26, 2011 hearing date. At the January 26, 2011 hearing another continuance was granted to the February 23, 2011 hearing date.

On February 23, 2011 the Special Magistrate found the Respondent in violation of City of Key West Code of Ordinance Section 14-37, Building Permits required. The Special Magistrate set a compliance date for March 30, 2011. If the respondent had not achieved compliance by March 29, 2011 the Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars and a Fine of One Hundred Dollars per day.

March 30, 2011 the Special Magistrate ruled the Respondent had not achieved compliance and the daily fine was instituted.

On July 18, 2011 a collection letter is mailed to the Respondent advising the fine amount had accrued to Eleven Thousand Two Hundred and Fifty Dollars, (\$11,250.00) and if compliance is not achieved by August 12, 2011 a Hearing will be conducted to file a lien on the subject property.

On August 18, 2011 a Notice of Lien Hearing is issued to Respondent via certified mail. The Hearing date is set for September 28, 2011.

On August 24, 2011 the Notice of Lien Hearing is received and signed for by Lissette Carey.

On September 28, 2011 the Special Magistrate approves the filing of the lien on the subject property.

On October 27, 2011 a lien is filed with the Monroe County Clerk of Courts. The lien amount has now accrued to Eighteen Thousand Three Hundred and Fifty Dollars, (\$18,350.00).

On January 18, 2018 the Key West City Commission enters into a settlement agreement for a partial release of the lien on a property located at 252 Mars Lane, Geiger Key. The agreement stipulates that the Respondent has eight months from the date of the sale of the Geiger Key property to use the proceeds from that sale to bring the subject property into compliance.

On January 24, 2018 the Geiger Key property is sold.

On September 6, 2018 a Certificate of Compliance is printed and Notarized. The total amount of the lien is Two Hundred and Seventy-One Thousand Nine Hundred and Fifty Dollars (\$271,950.00).

RECOMMENDATION:

The City Manager is recommending the lien calculation end on January 18, 2018 since this is the date the partial release of lien and the settlement agreement between the City and the property owner was executed which would reduce the lien amount to Two Hundred and Forty-Eight Thousand Six Hundred Dollars,(\$248,600.00), plus an Administrative Cost of Two Hundred and Fifty Dollars,(\$250.00), for a total of Two Hundred and Forty-Eight Thousand Eight Hundred and Fifty Dollars,(\$248,850.00). Also, the City Manager is recommending that the costs to achieve compliance be considered as a mitigating factor. The cost breakdown is; engineering services Three Thousand Five Hundred Dollars, (\$3,500.00), labor Eleven Thousand Three Hundred and Forty Dollars,

(\$11,340.00) and materials One Thousand Dollars, (\$1,000.00), which totals Fifteen Thousand Four Hundred and Eighty Dollars, (\$15,480.00). The total of the amount owed to the City would change to Two Hundred and Thirty-Two Thousand Three Hundred and Seventy Dollars, (\$232,370.00).