

MITIGATION OF LIEN REQUEST

To: Key West Code Compliance Division
1300 White Street
Key West, FL 33040
Phone: 305-809-3740

Case #: 13-0758

As the property owner, I, Andrea Shave Morgan
am requesting that the Key West City Commission consider the mitigation
of the accrued lien at 621 Eaton Street, Key West, FL. The total amount of
the lien is \$108,500.00.

I am offering \$ 20,000.⁰⁰ to settle the above lien.

- I will represent myself at the City Commission Meeting
- My Attorney Robert Cintron, will represent me at the
City Commission Meeting and is empowered to negotiate the above
lien.
- My representative _____, with attached Power
of Attorney, is empowered to negotiate the amount of the liens.

Andrea Shave Morgan
Signature of Property Owner

3/19/19
Date

I purchased 621 Eaton Street in 2001. At the time of purchase, the property had just been subdivided from a three-unit property to a two-unit property, separating out as a separate parcel a cottage at the rear facing Donkey Milk Lane. My home is a two-unit property, with one downstairs unit and one upstairs unit.

In 2008, I learned that for the last eight years, I had been charged by the City for three units instead of two units for sewage and solid waste.

When I learned this, I spoke with then-department head of Public Works, Valerie Barrera. Valerie told me many times that she did not know how to rectify the problem, that a credit was due to me, and that she would make inquiries and get back with me. I had approximately six separate, face-to-face conversations with Valerie to try to remedy the situation over a period of about two years. I stopped paying my bill due to what I believed was a large credit due to me at that point.

In 2015, I received a letter from City Code Enforcement at my home in Winter Park, Florida that I had a code enforcement violation. This was my first notice that I had a code violation at my home in Key West.

What I learned thereafter through the City's records was that sometime in 2013, a notice of code violation imposing a \$250 per day fine for an unpaid sewage and solid waste bill had been entered by former Magistrate Jeff Overby, which had been accruing for approximately two years.

I also learned from the City's records that the notice of code violation had been sent to my address in Key West via certified mail. I had tenants living in the downstairs unit, and the postal delivery person noted on the certified mail "Refused by Tenant." That is why I never knew about the imposition of the \$250 per day fine for my unpaid sewage and solid waste bill.

The sewage and solid waste bill amounted to approximately \$2,500. I immediately paid it. Erroneously, I thought that cleared me of any violation status. Thereafter, when I learned I owed the City more than \$108,000 for the \$250 per day fine, I applied for a hearing before Magistrate Overby so I could present my case to clear the violation and fines.

At the hearing before Magistrate Overby I presented proof that I had never received notice of the violation because my tenant refused the code violation notice mailed to the Eaton Street address and I presented proof that I had paid in full the delinquent sewage and solid waste account and was no longer in violation. Magistrate Overby declined to reduce the lien.

I am left with a \$108,000 lien by the City on my property. I am attempting to refinance the property with a new lender, and this has caused a problem with the refinance.

I am in hopes that the lien can be reduced, mitigated or considered satisfied due to me bringing my sewage and solid waste bill current, and due to me not realizing that a code violation of \$250 per day had been entered two years prior.