



EXECUTIVE SUMMARY

To: Gregory W. Veliz, City Manager
Cc: Patti McLaughlin, Assistant City Manager
From: Jim Young, Director of Code Compliance *JY*
Date: March 3, 2021
Subject: 1019 Packer Street Partial Release of Lien

Action statement:

On February 23, 2021 a release of partial lien form was submitted to the City by the property owner of 1021 Packer Street, Key West, FL, Daniel M. Peregrin of Falcon Eyrie Farms, LLC a limited liability company (Falcon). Falcon has been involved in litigation to resolve a boundry dispute that involves a narrow strip of land approximately 163 square feet with its neighboring property located at 1019 Packer Street, Key West, FL. 1019 Packer Street is owned by Alexei Saenko who was the subject of two past Code Compliance violations. These violations occurred at another property Mr. Saenko owns, 406 Petronia Street, Key West, FL. At 406 Petronia Street Administrative Costs and Fines were assesed and liens were filed. The total amount of the liens owed to the City by Mr. Saenko is One Million Two Hundred and Eighty-Five Thousand, Five Hundred Dollars, (\$1,285,500.00).

Falcon is offering Zero Dollars, (\$0.00) for the partial release of the lien placed by the City of Key West Code Compliance Department on the properties owned by Mr. Saenko 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). **It should be noted that there are no open code violations or fines/liens assessed against 1021 Packer Street.**

Background:

Case Number 12-1771

On December 10, 2012 Code Compliance received an anonymous complaint that 406 Petronia Street was being rented without a business tax receipt. A site visit was conducted during which it was discovered the property owner, was renting a total of eight rooms to different tenants. The activity being conducted was the equivilant to a boarding house which is not a permitted use in the Historic Neighborhood Commercial 3 Zoning District, (HNC-3).

On December 12, 2012 a Notice of Code Violation was issued via certified mail to the property owner for violating Section 66-87 business tax receipt required for non-transient rental(s) and for violating Section 122-869, conducting a prohibited use in the HNC-3 Zoning District.

On February 5, 2013 a Notice of Hearing for the February 27, 2013 hearing date was posted at the subject property.

On February 14, 2013 the property owner signed the certified mail receipt for the notice of code violation.

On February 27, 2013 the Special Magistrate found Mr. Saenko was in violation of not having the required business tax receipt and for operating a "boarding house". 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) per day, per count if compliance was not achieved by March 26, 2013.

On March 27, 2013 a compliance hearing was conducted, the Special Magistrate found Mr. Saenko had not achieved compliance and initiated the Administrative Costs and a daily fine of Five Hundred Dollars (\$500.00).

On October 2, 2013 the City filed a lien in the amount of Ninety-Four Thousand Seven Hundred and Fifty Dollars, (\$94,750.00) against the subject property with the Monroe County Clerk of Courts in Book 2654, Page 1644.

Case Number 18- 0233

On February 22, 2018 Code Compliance received an anonymous complaint stating that roof work was being performed at 406 Petronia Street and that sidewalk was being blocked, without the required permits. Code Compliance Officer Leonardo Hernandez conducted a site inspection of subject property and observed evidence the roof had been treated with some type of sealant/coating which ran off onto parts of the City's sidewalk. This work required a building permit and also HARC approval. Also, our right of way was closed off with yellow caution tape. Officer Hernandez issued and posted a stop work order informing property owner that an after the fact permit and HARC approval were required and a right of way permit was required if the City right of way was obstructed.

On March 23, 2018 a Notice of Code Violation, (NOCV), was posted at 406 Petronia Street for violating Section 14-37, Building Permits Required, Section 14-40 Certificate of Appropriateness Required and Section 66-87 Business Tax Receipt Required.

On April 27, 2018 a Notice of Administrative Hearing was posted at 406 Petronia Street for the May 30, 2018 code hearing date.

On May 30, 2018 the Special Magistrate found Mr. Saenko was in violation of not having the required building permit and for not having the required Certificate of Appropriateness. 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) per day, per count if compliance was not achieved by May 31, 2018.

On July 10, 2018 the City filed a lien against the subject property with the Monroe County Clerk of Courts in Book 2916, Page 800.

Subject property, 406 Petronia Street, has not achieved compliance in either case.