



## EXECUTIVE SUMMARY

To: Gregory W. Veliz, City Manager  
Cc: Patti McLauchlin, Assistant City Manager  
From: Jim Young, Director of Code Compliance *JY*  
Date: February 10, 2021  
Subject: 3713 Donald Avenue Mitigation of Lien

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### **Action statement:**

On February 8, 2021 a lien mitigation form was submitted to the City by the property owner of 3713 Donald Avenue, Key West, FL, Michael Ngov. The total amount of the lien owed to the City is Sixty-Seven Thousand, Seven Hundred and Fifty Dollars, (\$67,750.00). Mr. Ngov is offering Five Thousand Dollars, (\$5,000.00) 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).

### **Recommendation:**

City Management as well Staff recommend the City Commission accept the mitigated offer of Five Thousand Dollars, (\$5,000.00).

### **Background:**

#### **Case Number 17-1277**

On October 6, 2017 Code Compliance received an anonymous phone complaint that a shed had been built and the back porch had been enclosed without the required building permits. The code officer responded to the subject property and observed the rear wood deck was enclosed with siding and a roof. Also, observed was a utility shed being constructed. A stop work order was issued and posted at the subject property.

On January 5, 2018 a Notice of Code Violation was issued to the property owner for violating Section 14-37 of the Code of Ordinances, not having the required building permits.

On January 14, 2018 the Notice of Code Violation was accepted via certified mail receipt.

On January 30, 2018 a Notice of Hearing was issued requesting the appearance of the subject property owner at the February 28, 2018 hearing date.

On February 6, 2018 the Notice of Hearing was accepted via certified mail.

On February 28, 2018 the Special Magistrate found Mr. Ngov was in violation of not having the required building permit(s). 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 March 25, 2018.

On March 8, 2018 the property owner applied for an after the fact variance for the shed.

On March 28, 2018 a compliance hearing was conducted, the Special Magistrate found Mr. Ngov had not achieved compliance and initiated the daily fine.

On April 9, 2018 the City filed a lien against the subject property with the Monroe County Clerk of Courts in Book 2900, Page 376.

On July 2, 2018 the after the fact variance was approved by the Planning Board.

On October 2, 2018 the City issued the after the fact shed permit.

On December 21, 2018 the City issued the after the fact roof permit. The violation was in compliance.