



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young Director of Code Compliance *JY*
Date: July 2, 2019
Subject: 621 Eaton Street Mitigation of Lien

Action statement:

On May 3, 2019 the attorney, Robert Cintron, representing the subject property owner, Andrea Morgan, contacted the City Code Compliance Department to ascertain the procedure for requesting a mitigation of a lien placed on the subject property located at 621 Eaton Street, Key West, FL. The total amount of the lien is One Hundred and Eight Thousand, Five Hundred Dollars, (\$108,500.00). Mr. Cintron is offering Twenty Thousand Dollars, (\$20,000.00), 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:

The City Manager as well as Staff are recommending the City Commission accept the mitigation offer of Twenty Thousand Dollars, (\$20,000.00).

Background:

Case Number 13-0758

On June 6, 2013 Code Compliance received a complaint from the Utilities Department that the subject property owner, Andrea 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. A Notice of Code Violation / Notice of Hearing for the June 26, 2013 hearing date was sent via certified mail.

On June 13, 2013 the Notice of Code Violation/Notice of Hearing was signed for by Ms. Morgan.

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, (\$250.00), daily fine if compliance was not achieved by November 19, 2013.

On November 20, 2013 the Special Magistrate found the subject property owner had not achieved compliance and imposed the Administrative Cost and daily Fines.

On January 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).

On January 28, 2015 the Special Magistrate imposed an order for a lien to be filed.

On May 28, 2015 a lien was filed with the Monroe County Clerk of Courts in Book number 2742, Page number 1897. The total amount of the lien was One Hundred and Eight Thousand Five Hundred Dollars, (\$108, 500.00).