



## EXECUTIVE SUMMARY

To: Jim Scholl, City Manager  
Cc: Greg Veliz, Assistant City Manager  
From: Jim Young Director of Code Compliance *JY*  
Date: August 19, 2016  
Subject: 205 Virginia Street Release of Lien

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### **Action statement:**

David Van Loon, P.A. who is representing the seller of the subject property located at 205 Virginia Street, Key West, FL has sent a request to mitigate liens placed on the subject property. There are two liens filed with the Monroe County Clerk of Courts. As of July 31, 2016 the amount of the first lien, which represents the Administrative Costs and Fines assessed by the Special Magistrate, is Eighty One Thousand Three Hundred and Seventy Eight Dollars and Twenty Five Cents, (\$81,378.25), with a daily per diem of Eleven Dollars and Thirty Seven Cents per day, (\$11.37). The amount of the second lien, which represents the cost for the City to demolish the structure at the subject property, is Fifty Nine Thousand One Hundred and Sixty Two Dollars and Twenty Four Cents, (\$59,162.24), with a daily per diem of Eight Dollars and Twenty Seven Cents, (\$8.27) per day. The total amount of the liens are One Hundred and Forty Thousand Five Hundred and Forty Dollars and Forty Nine Cents, (\$140,540.49).

Mr. Van Loon is offering Eighty Nine Thousand Six Hundred and Fifty Seven Dollars and Eighty-Five Cents, (\$89,657.85) for the release of the liens 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 September 15, 2005 the Code Compliance Department received a complaint that the building was unsafe and should be condemned.

On October 17, 2005 Building Inspector, John Woodson, conducted an inspection of the subject property and determined the two structures were unsafe.

On February 15, 2006 Chief Building Official, O. Joseph April, inspected the property and determined the small structure should be demolished and the larger structure should not be occupied.

On July 18, 2007 the Chief Building Official sent a Notice of Hearing via certified mail to the listed property owner(s). The Hearing date was scheduled for August 1, 2007. The Notice was returned to the City as unclaimed.

On August 9, 2007 a Notice of Hearing was posted at the subject property. The new Hearing date before the Chief Building Official was scheduled for September 7, 2007.

On May 6, 2008 two Notices of Code Violation/Notices of Hearing were mailed via certified mail to the listed property owner(s). The Code Compliance Hearing date was scheduled for May 28, 2008. The first Notice was signed as received on May 10, 2008. The second Notice sent to the subject property was returned to the City.

On May 28, 2008 the Special Magistrate agreed with the Chief Building Officials assessment that the structures were unsafe and unfit for human habitation. The Special Magistrate issued his Findings of Fact, Conclusion of Law and Order and assessed Administrative Costs in the amount of One Hundred and Fifty Dollars, (\$150.00), and a daily Fine in the amount of One Hundred and Fifty Dollars, (\$150.00) if compliance was not achieved by June 23, 2008.

On June 5, 2008 the Findings and Order were mailed via certified mail to the subject property owner(s). The Findings and Order were signed received on June 9, 2008.

On June 24, 2008 a Compliance Hearing was held where the Special Magistrate found the subject property was not in compliance and the daily fines were imposed.

On September 29, 2008 a collection letter advising the lien amount had accrued to Fourteen Thousand and Two Hundred and Fifty Dollars (\$14,250.00) was mailed via certified mail to the subject property owner(s). The collection letter was signed received on October 3, 2008.

On April 17, 2009 a Notice of Lien Hearing was mailed via certified mail scheduling the Lien Hearing for May 18, 2009. The Notice was signed received on April 23, 2009.

On May 18, 2009 the Special Magistrate approved the filing of the lien for the Costs and Fine owed reference the code compliance violation.

From June 2, 2009 through June 5, 2009 the City demolished the two structures located at the subject property. The cost for the demolition was Thirty Seven Thousand Seven Hundred and Fifty Seven Dollars and Eighty Five Cents, (\$37,757.85).

On July 1, 2009 the Code Compliance Legal Analyst filed the two Liens with the Monroe County Clerk of the Courts. The Code Compliance lien amount was Fifty One Thousand

Nine Hundred Dollars, (\$51,900.00). The demolition lien amount was Thirty Seven Thousand Seven Hundred and Fifty Seven Dollars and Eighty Five Cent, (\$37,757.85).

**RECOMMENDATION:**

The City Manager recommends the City Commission accept the proposed mitigated amount of Eighty Nine Thousand Six Hundred and Fifty Seven Dollars and Eighty-Five Cents, (\$89,657.85).