



THE CITY OF KEY WEST

Executive Summary

To: Jim Scholl, City Manager
From: Jim Young, Director of Code Compliance *JY*
Date: March 30, 2015
Subject: Release of lien 1019 Elgin Lane

Action statement:

Request the City of Key West City Commission accepts the mitigated amount of Two Thousand Five Hundred Dollars, \$2,500.00 of accrued fines in the amount of Forty Three Thousand Five Hundred Dollars, \$43,500.00 for the subject property located at 1019 Elgin Lane. Request the City of Key West City Commission release the lien placed by the City of Key West 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 June 3, 2008 a City of Key West Code Officer requested the Building Inspectors to conduct an inspection of the subject property after receiving complaints the structure was unsafe, had been completely gutted, abandoned and left accessible to the general public. After the Building Department Inspectors determined the structure was unsafe a Notice of Code Violation and Notice of Administrative Hearing was issued to the property owner, David Blain, on July 14, 2008. When this Notice was returned unclaimed a Notice of Code Violation and Notice of Administrative Hearing was posted at the property, as well as sent regular mail on August 12, 2008 for the code hearing scheduled on August 27, 2008.

On July 2, 2008 Bank of New York Mellon initiated foreclosure proceedings by filing a Lis Pendens against the property owner, David Blain.

On August 27, 2008 the code hearing was held and a Findings of Fact, Conclusions of Law and Order was issued for the overgrown property, also the Chief Building Official determined that the structure was dangerous and unfit for human habitation. Administrative Costs of One Hundred and Fifty Dollars, \$150.00 were imposed. Also imposed was a fine of Two Hundred and Fifty Dollars, \$250.00 per day, per count (total of three counts) if compliance was not met by September 2, 2008 at noon. A compliance hearing was held on September 14, 2008.

A Notice of Non-Compliance Payment Update was sent via certified and regular mail on October 20, 2008 stating that compliance had not been obtained and that the fines had accrued to Thirty Six Thousand One Hundred and Fifty Dollars, \$36,150.00. Compliance was achieved on October 30, 2008 with the fines accruing to Forty Three Thousand Five Hundred Dollars, \$43,500.00.

A Notice of Lien Hearing was sent to David Blain on April 14, 2011 for a hearing to be held on May 25, 2011 and was returned unclaimed. A Notice of Lien Hearing was sent regular mail and posted on August 11, 2011 for the Hearing on August 31, 2011.

A lien was filed on September 19, 2011 with the Monroe County Clerk's Office and a copy was sent to the owner of record, David Blain.

On July 28, 2014, Bank of New York Mellon finalized its foreclosure on the property. On March 18, 2015 an email was received from Sue King of Stewart Title for Bank of New York Mellon stating that they had been retained to represent Bank of New York Mellon's interest in regards to the code violation lien that was recorded with the Monroe County Clerk's Office. Ms. King advised since the Lis Pendens was filed prior to the City's lien the City was not included in the foreclosure action. Ms. King then made the offer of Two Thousand Five Hundred Dollars, \$2,500.00 for mitigation and release of the lien.