



## EXECUTIVE SUMMARY

To: Jim Scholl, City Manager  
From: Jim Young, Code Compliance Manager  
Via: Mark Finigan, Assistant City Manager  
Date: May 16, 2011  
Subject: 418 – 420 Petronia Street  
Acceptance of Mitigated Amount  
Release of Lien

---

### **ACTION STATEMENT:**

Recommend the City Commission accept the proposed mitigated amount of \$1,075.00 of accrued fines totaling \$10,750.00 for the subject property located at 418 – 420 Petronia Street. Additionally, 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 Ordinance Sec. 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove the lien). This would be a full release for the property located at 418- 420 Petronia Street as well as any other real property the lien placed by the City may have attached to.

### **BACKGROUND:**

On April 8, 2009 the structure located at 418 – 420 Petronia Street was declared unsafe by the Chief Building Official, due to 50% or more of the supporting members of the structure having deterioration and or damage.

On April 16, 2009 a notice of code violation was issued to the property owner(s), David E. Gordon and Susan Brown, H/W.

On June 24, 2009 during the Code Compliance Hearing the Special Magistrate found the property owner(s) in violation of City of Key West Code of Ordinance Sec. 14-71. An Administrative Cost of \$250.00 was imposed along with a daily fine of \$150.00 if compliance was not achieved by August 4, 2009.

On August 20, 2009 the property owner(s) sent an email to the Code Compliance and Building Departments advising they had hired J.J. Fairbank as the contractor to demolish the structure.

On August 25, 2009 a demolition permit application was submitted to the Building Department by J.J. Fairbanks Construction.

On September 3, 2009 the demolition permit was paid for.

On October 8, 2009 the demolition of the structure was started and finished on October 14, 2009.

On November 3, 2009 a collection letter was issued to the property owner(s) advising them the total amount of fines owed to the City was \$10,750.00

On April 6, 2010 a lien was filed on the property for the amount owed to the City, \$10,750.00.

The recommend mitigated amount of \$1,075.00 will recover Staff / Magistrate time and filing costs through the Findings and Order as well as cover staff time to process the release of the lien. The proposed \$1,075.00 mitigated amount is also based on City of Key West Ordinance Sec 2-682 Mitigation Guidelines sub-section 1 which states if compliance was achieved within 60 days of the imposition of the daily fine, the fine shall not be mitigated or discounted by more than 90 percent.

**RECOMMENDATION:**

The City Manager recommends the City Commission accept the proposed mitigated amount of \$1,075.00 of accrued fines totaling \$10,750.00 for the property located at 418 – 420 Petronia Street