



EXECUTIVE SUMMARY

To: Gregory W. Veliz, City Manager
Cc: Patti McLauchlin, Assistant City Manager
From: Jim Young, Director of Code Compliance *JY*
Date: June 30, 2020
Subject: 1333 20th Street Mitigation of Lien

Action statement:

On June 26, 2020 a lien mitigation form was submitted to the City by attorney Gregory S. Orpeza, who is representing the property owner, Mathew McDowell. The City filed a lien on the subject property located at 1333 20th Street, Key West, FL. The total amount of the lien is Eight Hundred and Five Thousand Dollars, (\$805,000.00). Mr. Orpeza is offering Forty Thousand Dollars, (\$40,000.00) 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 offer of Forty Thousand Dollars, (\$40,000.00) which represents five percent of the amount owed to the City.

Background:

Case Number 10-1059

On August 11, 2010 received an anonymous complaint of a large pile of palm fronds that have been at the subject property for approximately a month.

On August 13, 2010 a Courtesy Notice of Code Violation was left at the subject property for violating Section 26-126 clearing of property of debris and Section 62-2 obstruction of the City right of way.

On October 5, 2010 a Notice of Code Violation was issued via certified mail. There was no response from the subject property owner.

On October 29, 2010 a third Notice of Code Violation was issued to the subject property owner for violation of Section 26-126 clearing of property of debris, Section 74-206 owner's responsibility to pay delinquent sewer/solid waste charges and Section 58-63 delinquency of sewer/solid waste charges. The notice was issued via certified mail and was received and signed for by Rachele Wells on November 3, 2010.

On March 11, 2011 a Notice of Administrative Hearing was issued to the subject property owner for violation of Section 26-126. The notice was issued via certified mail and was received and signed for by B. Rousey on March 14, 2011. The Hearing Date was scheduled for April 27, 2011.

On April 27, 2011 the Special Magistrate found the subject property was in violation of Section 26-126. 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 May 11, 2011.

On May 25, 2011 a compliance hearing was conducted, the Special Magistrate found the subject property was not in compliance and imposed the Administrative Cost and daily fine.

On August 3, 2011 a lien hearing was held during which the Special Magistrate approved the filing of the lien.

On September 19, 2011 a lien in the amount of Twenty-Eight Thousand Two Hundred and Fifty Dollars, (\$28,250.00), was filed with the Monroe County Clerk's Office in Book 2534 on Page 1344.

On March 1, 2020 the subject property achieved compliance. The lien amount had accrued to Eight Hundred and Five Thousand Dollars, (\$805,000.00).