



THE CITY OF KEY WEST

Executive Summary

To: Jim Scholl, City Manager
From: Jim Young, Director of Code Compliance *JY*
Date: October 9, 2015
Subject: Release of lien, 1627 Laird Street

Action statement:

Request the Key West City Commission considers the release of a lien on the subject property located at 1627 Laird Street, Key West, FL. The total amount of the lien is Forty Three Thousand Seven Hundred and Fifty Dollars, (\$43,750.00). The property owner is offering Five Thousand, (\$5,000.00), for the release of the lien pursuant to City of Key West Code of Ordinance Sec. 2-646.

Background:

On June 11, 2014 Key West Code Compliance received a complaint that this property was overgrown and there was a bee hive located on the property. A site inspection was conducted by the code officer and he found that the property was overgrown and the house was vacant.

Upon further investigation, the code officer discovered the listed property owner was Bank of America due to a quitclaim deed was filed on October 22, 2013 with the Monroe County Clerk of Courts by the previous owners, Michael & Bonnie Sands.

A Notice of Code Violation was issued to the listed property owner on June 12, 2014 and certified service was received on June 25, 2014. A Notice of Administrative Hearing was issued on July 21, 2014 for the August 20, 2014 hearing date and certified service was received on July 28, 2015.

The hearing was held August 20, 2014 and a Findings of Fact, Conclusions on Law and Order was issued for the overgrown property. Administrative Costs of Two Hundred and Fifty Dollars (\$250.00) were imposed, also imposed was a fine of Two Hundred and Fifty Dollars (\$250.00) per day if compliance was not obtained by September 3, 2014.

A compliance hearing was held on September 17, 2014 where the Special Magistrate imposed the daily fine.

A Notice of Non-Compliance Payment Update was sent to the property owner via certified mail on October 31, 2014 stating that compliance had not been obtained and that the fines had accrued to Fourteen Thousand Five Hundred Dollars, (\$14,500.00).

A Notice of Lien Hearing was sent on November 25, 2014 for a hearing to be held on January 28, 2015 and certified service was received on December 8, 2014.

The lien was filed on February 5, 2015 with the Monroe County Clerk of Courts and a copy was sent to the owner of record Bank of America. Compliance was not achieved until February 25, 2015, one hundred and sixty-two days, (162), later at which time the fines had accrued to Forty Three Thousand Seven Hundred and Fifty Dollars, (\$43,750.00).

For consideration, please note City Ordinance Sec. 2-682. - Mitigation guidelines; court costs. This section provides guidelines for the Special Magistrate to consider for mitigations of fines.

(1) 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.

(2) If compliance is achieved within 61 to 120 days of the imposition of the daily fine, the fine shall not be mitigated or discounted by more than 50 percent.

(3) If compliance is achieved within 121 to 180 days of the imposition of the daily fine, the fine shall not be mitigated or discounted by more than 20 percent.

(4) No mitigation shall be considered if compliance was achieved more than 180 days from the imposition of the daily fine.

(c) The special magistrate may consider relevant aggravating factors frustrating compliance in consideration of subsection (b) above. In the event the special magistrate deviates from the guidelines specified in this section, specific written findings shall be entered into the record to that effect.

(d) Other factors that may be considered by the special magistrate include:

(1) Severity of the underlying violation;

(2) Effect the violation has had on the neighbors and neighborhood.