



EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager

FROM: Jim Young, Senior Manager Code Compliance
via Sarah Spurlock, Assistant City Manager

DATE: September 4, 2014

SUBJECT: Release of Lien 1721 Johnson Street

Action statement:

Request the City of Key West City Commission considers the proposed mitigated amount of Three Thousand Three Hundred Dollars, \$3,300.00, for the accrued fines for the subject property located at 1721 Johnson Street, the total of which is currently Fifty Six Thousand Seven Hundred and Fifty Dollars, \$56,750.00. Request City of Key West City Commission considers releasing 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).

Background:

On February 15, 2011 the City of Key West Code Compliance received a complaint that the subject property was overgrown.

On February 18, 2011 a Notice of Code Violation was sent certified mail which was received on February 23, 2011. On March 11, 2011 a follow-up inspection was done at which time it was determined the subject property was not in compliance.

On March 15, 2011 a Notice of Administrative Hearing was sent certified mail and returned unclaimed on April 16, 2011. A Notice of Administrative Hearing was posted at the subject property on May 6, 2011 with a hearing date of May 25, 2011.

On May 25, 2011 the hearing was held and after the City presented the evidence supporting the continuing violation(s), a Findings of Fact, Conclusions on Law and Order was issued by the Special Magistrate for failure to maintain the subject property and the area from the subject property line to the paved roadway. Administrative Costs of Two Hundred and Fifty Dollars, \$250.00, were imposed along with a fine of One Hundred Dollars, \$100.00, per day if compliance was not achieved by June 28, 2011.

On June 29, 2011 the compliance hearing was held and it was determined that the subject property was not in compliance. The Findings of Fact, Conclusions of Law and Order were mailed on May 26, 2011 and returned unclaimed on July 28, 2011.

On August 29, 2012 a Notice of Non-Compliance Payment Update was sent via certified mail stating that compliance had not been achieved and the fines had accrued to Six Thousand Three Hundred and Fifty Dollars, \$6,350.00. This notice was returned to the City stamped unclaimed on November 7, 2011. The subject property was posted on November 10, 2011.

On December 21, 2011 a Notice of Lien Hearing was sent certified mail for a hearing to be held on January 25, 2012. This notice was returned unclaimed on April 9, 2012. Another Notice of Lien Hearing for May 23, 2012 was sent via regular mail and also posted at the subject property on May 8, 2012.

On May 30, 2012 a lien in the amount of Thirty Three Thousand One Hundred and Fifty Dollars, \$33,150.00, was filed with the Monroe County Clerk's Office and a copy was sent to the subject property owner of record, Jarvis Nelson Osorio.

On January 14, 2013 compliance was achieved and the daily fines were discontinued. The lien had accumulated to a total of Fifty Six Thousand Seven Hundred and Fifty Dollars, \$56,750.00.

On June 5, 2014 Deutsche Bank National Trust Company took title and possession of the subject property.

There is a pending sale of the subject property and Premium Title, the title company, who has power of attorney are offering Three Thousand Three Hundred Dollars, \$3,300.00, to settle the fine.