

**THE CITY OF KEY WEST
CODE COMPLIANCE DEPARTMENT**



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Leonardo Hernandez, Code Compliance Officer
Date: April 26th, 2019
Subject: 1922 Patterson Avenue Mitigation of Lien.

Action statement: Mark & Elizabeth Maclaughlin, former owners of 3710 Pearlman Terrace located within the limits of Key West, Florida have sent a request to mitigate a lien placed on the subject property located at 1922 Patterson Avenue, Key West, FL 33040. The total amount of the lien is One Hundred Sixty-Two Thousand Seven Hundred Fifty-Four Dollars & Ninety-Nine Cents (\$162,754.99). Mr. Maclaughlin is offering Five Thousand Thirty-Seven Dollars (\$5,037.00) for the release of the lien placed by the Code Compliance Department on the subject property pursuant to the 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 30th, 2010 the City of Key West Code Compliance Department received a complaint that 3710 Pearlman Terrace, Key West, Florida 33040 had a past due sewer / solid waste account balance and that their non-transient rental license had been delinquent for over 2 years.

On July 1st, 2010 a certified letter ending on 6586 was mailed to property owners Mark & Elizabeth Maclaughlin at 18 Allamanda Avenue, Key West, Florida 33040. Letter notified property owners that sewer account balance of \$ 3057.68 was owed and that a non-transient rental business license was to be renewed in order to continue to rent subject property. On July 10th, 2010 good service was received on certified letter.

On July 23rd, 2010 a Notice of Administrative Hearing (NOAH) was mailed to property owners of subject property. NOAH letter notified property owners again that sewer account balance of \$ 3057.68 was owed and that a non-transient rental business license

was to be renewed. The NOAH letter also informed subject property owners that they needed to appear before the Code Compliance Special Magistrate on September 1st, 2010 hearing. On July 27th, 2010, we received the return of certified service.

On September 30th, 2010 the case went before the Special Magistrate who issued a Finding of Facts, Conclusions of Law and Order that the subject property was in violation. The Special Magistrate imposed administrative costs in the amount of Two Hundred and Fifty Dollars, (\$250.00) and a daily fine in the amount of One Hundred Dollars, (\$100) per day if not in compliance by October 19th, 2010. Special Magistrate also imposed a fine of 25% of the business license ($\$19.95 \times 25\% = \4.99). The delinquent sewer / solid waste balance of \$ 3,100.75 was also to be paid.

On November 18th, 2010 a notice of non-compliance payment update was mailed to Mark & Elizabeth Maclaughlin, owners of subject property at the time.

On February 9th, 2011 a notice of lien hearing certified letter was mailed to Mark & Elizabeth Maclaughlin, owners of subject property at the time. The hearing was set for March 30th, 2011.

On March 30th, 2011 Special Magistrate approved and signed an order to impose lien which was filed with the Monroe County Clerk of Courts.

On April 5th, 2019 Subject property owner (s) at the time submitted a mitigation of lien request offering \$ 3057.68 to settle the lien which was the original sewer / solid waste balance amount owed to the City of Key West when case was initiated on June of 2010. Again, the amount of the lien has accrued to \$162,754.99.

To satisfy this lien request, the City of Key West recommends accepting 5% of the recorded lien, less the \$3,100.00 already paid, which results in \$5,037.75. Therefore, the amounts are: $\$8,137.75 - 3,100.00 = \$ 5,037.75$.