



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young Director of Code Compliance *JY*
Date: July 25, 2019
Subject: 3609 Northside Drive Mitigation of Lien

Action statement:

On May 30, 2019 the representative, Gary Burchfield, representing the property owners, Rishi and Reshma Gidwani, submitted a request to the City to mitigate liens placed on the property located at 3609 Northside Drive, Key West, FL. The total amount of the liens are Nine Hundred and Thirty-Four Thousand Dollars, (\$934,000.00). Mr. Burchfield is offering Six Hundred and Fifty Dollars, (\$650.00) for the release of the liens 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:

The City Manager as well Staff recommends the City Commission accepts Ninety-Three Thousand Four Hundred Dollars, (\$93,400.00) to release the lien on the subject property.

Background:

Case Number 06-0654

On June 19, 2006 Code Compliance received a complaint that interior renovations, including installation of windows had been completed without the required permits. A Notice of Code Violation was issued to the subject property owner, Rishi Gadwani via certified mail.

On June 21, 2006 the Notice of Code Violation was accepted by Ricardo.

On July 10, 2006 a Notice of Hearing was issued, via certified mail to the subject property owner. The Hearing date was scheduled for August 30, 2006.

On July 13, 2006 the Notice of Hearing was signed by "Sophak."

On August 30, 2006 the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinance Section 14-37, Building permits required. The Special Magistrate assessed an Administrative Cost of One Hundred and Fifty Dollars, (\$150.00), and a Fine of One Hundred and Fifty Dollars, (\$150.00), per day if compliance was not achieved by September 26, 2006.

On August 25, 2009 a lien in the amount of One Hundred and Fifty-Six Thousand Nine Hundred Dollars, (\$156,900.00), was recorded with the Monroe County Clerk of Courts in Book # 2428 on Page # 1927.

On July 3, 2019 the property achieved compliance. However, the total of the lien had accrued to Six Hundred and Ninety-Nine Thousand Six Hundred Dollars, (\$699,600.00).

Case Number 08-1368

On May 14, 2008 Code Compliance received an anonymous complaint that the subject property was unsightly with trash and unregistered vehicles were being stored on the property.

On May 20, 2008 a Notice of Code Violation was issued to the property owner Rishi Gidwani, via certified mail. The Notice cited the property owner for violating City of Key West Code of Ordinance Section 26-126 clearing property of debris and noxious materials required, Section 108-677 parking and storage of certain vehicles and Section 62-2 obstructions.

On May 27, 2008 the certified mail receipt was signed by Lorrie Jagasia.

On August 8, 2008 the subject property was posted with a Notice of Code Violation/ Notice of Hearing citing the property owner Rishi Gidwani for violating City of Key West Code of Ordinance Section 108-677 Parking and Storage of Certain Vehicles and Section 62-2 Obstructions. The date of the Hearing was August 27, 2008.

On August 27, 2008 the Special Magistrate found the property owner was in violation of City of Key West Code of Ordinance Section 108-677 parking and storage of certain vehicles and Section 62-2 obstructions. The Special Magistrate assessed Administrative Cost in the amount of One Hundred and Fifty Dollars, (\$150.00) and a daily Fine of One Hundred Dollars, (\$100.00), per day, per count if compliance was not achieved by September 23, 2008.

On September 23, 2008 the Special Magistrate found the property was not in compliance and the fines started accruing.

On October 29, 2008 the property owner achieved compliance of Section 62-2, Obstructions. Compliance was achieved after 37 days so the fine total regarding that violation had accumulated to Three Thousand Seven Hundred Dollars, (\$3,700.00).

On November 21, 2008 the property owner achieved compliance of Section 108-677, Obstructions. Compliance was achieved after 59 days so the fine total regarding that violation had accumulated to Five Thousand Nine Hundred Dollars, (\$5,900.00). The total Costs and Fines were Nine Thousand Seven Hundred and Fifty Dollars, (\$9,750.00).

On August 25, 2009 a lien was recorded with the Monroe County Clerk's Office in Book Number 2428, on Page Number 1925. The total amount of the lien was Nine Thousand Seven Hundred and Fifty Dollars, (\$9,750.00).

Case Number 12-0991

On July 11, 2012 Code Compliance received an anonymous complaint that the property owner, Rishi Gidwani, installed a new door on the side of the house and an addition has been built on the property without the required permits.

On July 26, 2012 a Notice of Code Violation was issued via certified mail to the property owner charging him with violating City of Key West Code of Ordinance Section 14-37 the requirement of securing building permits. The Notice of Code Violation was also posted at the subject property on this date.

On December 5, 2012 a Notice of Code Violation/Notice of Hearing was posted at the subject property. The Hearing date was set for January 30, 2013.

On January 30, 2013 the Special Magistrate found the property owner in violation of City of Key West Code of Ordinance Section 14-37. The Special Magistrate assessed an Administrative Cost of Two Hundred and Fifty Dollars, (\$250.00), and a Fine in the amount of One Hundred Dollars, (\$100.00), per day if compliance was not achieved by February 26, 2013.

On February 27, 2013 a compliance Hearing was conducted at which time the Special Magistrate imposed the One Hundred Dollar, (\$100.00) daily fine.

On October 17, 2013 a lien was recorded against the property with the Monroe County Clerk of Courts Office. The total amount of the lien at that time was Nineteen Thousand One Hundred and Fifty Dollars, (\$19,150.00). The lien was recorded in Book Number 2654, on Page Number 1650.

On May 13, 2019 the property achieved compliance. However, the total of the lien had accrued to Two Hundred and Twenty-Four Thousand Six Hundred and Fifty Dollars, (\$224,650.00).

The total amount of the liens owed to the City is Nine Hundred and Thirty-Four Thousand Dollars, (\$934,000.00).