

link.

## EXECUTIVE SUMMARY

**TO:** Jim Scholl, City Manager  
**FROM:** Mark Z. Finigan, Assistant City Manager - Administration  
**DATE:** November 10, 2011  
**SUBJECT:** 3317 Eagle Avenue  
Release of Lien

### **Action statement:**

Request City of Key West City Commission accepts the mitigated amount of \$2,500.00 of accrued fines of \$9,500.00 for the property located at 3317 Eagle Avenue. Request City of Key West City Commission release the lien placed by the City of Key West 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 March 3, 2010 the City of Key West received a complaint that yard debris and trash was left on the right-of-way. A courtesy notice was left of the property the same day. On March 25, 2010 the Code Officer met with the tenant and obtained the phone number for the property owner. The owner was contacted and stated that the debris would be removed by March 29, 2010. On April 7, 2010, after an inspection, a Notice of Code Violation was sent and returned unclaimed on April 14, 2010. Another Notice of Code Violation was sent to another address and also returned. The property was posted on May 18, 2010. Corrective action was to be taken within ten days of the notice.

A Notice of Administrative Hearing was issued on July 1, 2010 for the July 28, 2010 hearing.

The hearing was held July 28, 2010 and a Findings of Fact, Conclusions on Law and Order was issued for failure to maintain the area between the property line and the paved roadway. Administrative Costs of \$250.00 were imposed and the court reserved the right to impose fines if compliance was not by August 30, 2010. A compliance hearing was held on September 1, 2010.

On September 1, 2010, the Special Magistrate found the property in violation and imposed a fine of \$250.00 per day starting September 10, 2010.

A Notice of Non-Compliance Payment Update was sent via certified mail on October 18, 2010 stating that compliance had been met that day and that the fines had accrued to \$9,500.

A Notice of Lien Hearing was sent on December 7, 2010 for a hearing to be held on January 26, 2011.

A lien was filed with the County and a copy was sent to the owner of record, Liron Avihasura.

On October 24, 2011, an email was received from US Real Estate Services stating that they had taken ownership of the property on September 13, 2011 and requested mitigation of the fines.

The Special Magistrate approved the mitigated amount of \$2,500.00 on November 16, 2011.

**Recommendation:**

Request City of Key West City Commission accepts the mitigated amount of \$2,500.00 of accrued fines of \$9,500.00 for the property located at 3317 Eagle Avenue. Request City of Key West City Commission release the lien placed by the City of Key West 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).