

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 02/16/2017 Hearing Officer: MICHAEL HURTER

Case number: 35333325W7 Address: 3325 POLO CLUB BLVD

Owner: NORTH FORTY PROPERTIES LLC Present / Not Present

Person Representing Property Owner: Richard Murphy
Legal Standing: Representing Owner

Issuance Date of Civil Penalty: 12/19/2016 Case Officer: RANDI ROWADY

Pre-January 2017 only, Notice of Violation: Nuisance Housing Sidewalk

Housing with \$ _____ Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: trash and debris, concrete PILES, firewood PILES

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted 180 days from service of notice of this Order within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a conformation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

clean up property (greenway) and keep it mowed

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation within _____ days from service of this Order, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statute 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Michael R. Hurter
Hearing Officer's Signature

2/16/2017
Date

Supplementary Page Completed

North Fort Properties LLC
2002 Cleveland Rd
Lexington, Ky 40509

Date: 12-19-2016
INSPECTION MADE: 12-16-2016
RE-INSPECTION DUE: 01-02-2017
RE-INSPECTION MADE: _____
CLOSED: _____

RE: PROPERTY 3305 Polo Club Blvd

You are hereby given notice to abate this nuisance or appeal this notice within ten (10) days.

An inspection was made of the above-referenced property on the date shown pursuant to Chapter 12 of the Code of Ordinances of the Lexington-Fayette Urban County Government and KRS 381.770. Nuisance violations were found that need to be corrected. The findings of the inspection are listed below:

- Trash and Debris construction debris in back, general trash
- Junked Vehicle(s) – Vehicle must be road operable and licensed to date. _____
- Indoor Furniture Outside–Must be removed from exterior of property. _____
- Weeds/High Grass – Must not exceed 12" high behind houses
- Other _____

If you do not abate this nuisance or appeal this notice within this period, the government will abate the nuisance and you will be deemed to have waived your appeal right. If abatement by the government is required, the Division of Code Enforcement will send you a bill for the cost of abatement including an administrative fee of \$75.00 and not to exceed \$250.00. If the bill is not paid within seven (7) days following its mailing, a Notice of Lien Claimed by the Urban County Government for the cost of abatement and the administrative fee will be filed against the property. Civil penalties of not less than \$100 nor more than \$1000 may be assessed against you pursuant to Section 12-8.2 of the Code of Ordinance if two or more notices have been or are issued on this property within a 12 month period.

If you wish to request a hearing before an Administrative Hearing Officer, you must do so in writing, within the period set forth in Section 12-8.3 of the Code of Ordinances. Please address requests to the Administrative Hearing Officer's Assistant at 101 East Vine Street, Suite 500, Lexington, KY 40507.

You may file an appeal of this Civil Penalty in writing to the Division of Code Enforcement within 10 days. Under Section 12-8.2, any owner who is issued two or more notices on the same property within a twelve (12) month period may be assessed civil penalties of not less than \$100 nor more than \$1000. **You are hereby assessed a civil penalty of \$0** pursuant to Section 12-8.2c of Code of Ordinances. **If you wish to appeal this civil penalty, you must comply with the procedures as set forth above. Failure to appeal will result in a final determination that a violation was committed.**

APPLICABLE IF CHECKED

Please take immediate steps to comply with this demand for abatement. If you have any questions concerning this notice, please contact me at 258-3827.

Thank you.


Code Enforcement Officer

ENTERED
DEC 20 2016

AC