NOTICE OF LIEN CLAIMED

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CODE ENFORCEMENT LIEN AND AFFIDAVIT FOR A CIVIL PENALTY ON THE PROPERTY LOCATED AT

451 PLYMOUTH DR

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT — CLAIMANT

VS.

RICHARD D & D J MERKEL — OWNER(S)

ACTION TYPE: **CIVIL PENALTY - NUISANCE**
ACTION DATE: **02/27/2017**
ACTION COST: **$ 250.00**

CASE#: 15240451W12

COMES NOW, the undersigned Affiant, who is duly authorized to issue citations on behalf of the Lexington-Fayette Urban County Government's Division of Code Enforcement, and states the following:

1. That on or about the above "ACTION DATE", the Affiant, acting on behalf of the Lexington-Fayette Urban County Government ("LFUCG"), and pursuant to Kentucky Revised Statute (KRS) 65.8838(6) and Chapter 12 of the Code of Ordinances, Lexington-Fayette Urban County Government (the "Code"), issued a civil penalty in the amount of the above "ACTION COST", which includes any applicable administrative fee and/or cost of legal advertisement, against the OWNER(s) for the condition of real property located at

451 PLYMOUTH DR

(the "Property");

2. That: (a) at all relevant times the OWNER(s) was in violation of certain provisions of the Code due to certain condition(s) on the real property; (b) the OWNER(s) was provided the required legal notice of such violation(s) in accordance with the applicable law, but failed to timely and/or satisfactorily abate and/or correct or repair them or did not otherwise comply with the requirements of the Code such that the issuance of this civil penalty was appropriate; (c) the OWNER(s) either failed to exercise his or her right to an administrative hearing as provided under the Code to contest the violations(s), or appealed said violation(s) to an administrative hearing officer, who entered an order upholding this civil penalty; and (d) this lien is consistent with the provisions of any Administrative Hearing Order that may have been issued in this matter;

3. That a lien on the Property in the principal amount of the ACTION COST is hereby noticed, asserted, and confirmed as provided in the aforementioned laws;

4. That pursuant to KRS 65.8835(1)(c) and KRS 65.8838(8), ***this lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes***;

HOLD

5. That pursuant to KRS 360.010, this lien shall accrue interest at the rate of eight percent (8%) per annum from the date of recordation; and

6. That the OWNER(s) shall also be responsible for any costs or expenses incurred by the LFUCG in recording or releasing this lien plus court costs, if any, for collection until paid.

BY: _____
GERRY HAMILTON
NUISANCE CONTROL OFFICER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Gerry Hamilton, a Nuisance Control Officer with the Division of Code Enforcement, Lexington-Fayette Urban County Government, for and on behalf of the Government, on this the 20th day of March, 2017.

My commission expires: 2-9-20

_____
Notary Public
Kentucky, State-at-Large

REVIEWED BY:

_____
Kenneth Armstrong, Director of Code Enforcement
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT
101 E. Vine St., Suite 500
Lexington, Kentucky 40507
(859) 425-2255

CASE#: 15240451W12

MAYOR JIM GRAY

LEXINGTON

DIRECTOR KENNETH ARMSTRONG
CODE ENFORCEMENT

DIVISION OF CODE ENFORCEMENT
ASSESSMENT OF CIVIL PENALTY AND NOTICE OF CONTINUED VIOLATION
(Nuisance Violation)

Invoice Date: 02/27/2017

Case#: 15240451W12

COPY

RICHARD D & D J MERKEL
451 PLYMOUTH DR
LEXINGTON, KY 40503-4317

Referenced Property: 451 PLYMOUTH DR on 02/22/2017

On 02/22/2017, the above 451 PLYMOUTH DR was placed under a Notice of Violation regarding the required abatement of a nuisance violation as outlined in Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances.

On 02-22-2017 at 10:39AM, I conducted a re-inspection of the property and found that the cited violation had not been abated and/or corrected. The purpose of this letter is to formally notify you that due to the continued non-compliance and the presence of a nuisance violation on the property during the above indicated re-inspection; you have been issued a civil penalty. As established in Chapter 12-5 of Code of Ordinances, you have been assessed a civil penalty in the amount of **$250.00**. (If you have been assessed/cited for more than one nuisance related violation within the last 12 months, your assessment may be cumulative.)

The property owner may file a written appeal of this action, but must do so or have done so within 7 days of the listed "Date of Issuance", located on the original notice. Appeals, which should indicate why the civil penalty should be dismissed, may be filed via U.S. Mail or by delivering the request to the: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 101 East Vine Street, Suite 500, Lexington, KY 40507 or by faxing the appeal request to (859-425-2274)—No emails. Failure to appeal a civil penalty within the indicated time shall result in the determination that the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the civil penalty was proper.

If the **$250.00** is not paid within 14 days of 02/27/2017 and it is not on appeal, a Notice of Lien Claimed may be filed. If a Notice of Lien is filed, then the property owner will be responsible for all fees and administrative costs associated with the lien as well. All payments related to civil penalties or liens should be made to the Lexington-Fayette Urban County Government and mailed or delivered to the Lexington-Fayette Urban County Government, Division of Revenue, 2nd Floor, 200 East Main Street, Lexington, Kentucky 40507. Please include a copy of this invoice or clearly identify the referenced property and civil penalty with your payment to ensure proper credit occurs.

Please note, as outlined in Chapter 12-5 of the Code of Ordinances, if the required abatement is not completed and the property is not brought into compliance before the next re-inspection date, additional civil penalties ranging between $100.00 and $1,000.00 may be assessed. Continued non-compliance may also result in the abatement of the nuisance violation by governmental action. If such governmental action is taken, then all costs and related administrative fees will then be billed to the property owner.

Please contact me if you have any questions or concerns regarding this notice/citation. If you do not receive a response from me within 36 hours of calling/emailing, please call our office and ask to speak to my supervisor.

GERRY HAMILTON	**(859) 576-3845**	**ghamilto@lexingtonky.gov**
NUISANCE CONTROL OFFICER	**Phone Number**	**Email Address**