

NOTICE OF LIEN CLAIMED

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

414 E FIFTH ST

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

CLAIMANT

VS.

LEWIS JR & NANNIE WALKER

OWNER(S)

ACTION TYPE: SIDEWALK VIOLATION - FAILURE TO REPAIR OR REPLACE

ACTION DATE: 03/10/2017

ACTION COST: \$ 500.00

CASE#: 07020414S2

COMES NOW, the undersigned Affiant, who is duly authorized to issue citations on behalf of the Lexington-Fayette Urban County Government 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, Sections 17-147 through 17-152 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 the real property located at

414 E FIFTH ST

(the "Property");

2. That: (a) at all relevant times the OWNER(s) was in violation of certain provisions of the Code due to the condition of a certain sidewalk(s) abutting 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;***



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

Date of Issuance: 03/10/2017

Case#: 07020414S2

LEWIS JR & NANNIE WALKER  
414 E FIFTH ST  
LEXINGTON, KY 40508

**FINAL ORDER**



Referenced Property: 414 E FIFTH ST

On 08/06/2016, the above referenced property was placed under a Notice of Violation regarding necessary replacement of sidewalks pursuant to Chapter 17-147 of the Lexington-Fayette Urban County Government Code of Ordinances.

On 03/07/2017 at 12:59 P.M., I conducted a re-inspection of the property and found that the required sidewalk replacement had not been completed. The purpose of this letter is to formally notify you that due to the continued non-compliance and the presence of this violation on the property during the above indicated re-inspection date; you have been issued a civil penalty. As established in Chapter 17-152(b) of Code of Ordinances, you have been assessed a civil penalty in the amount of \$500.00 (Penalties are based on \$10.00 per square foot of sidewalk area in violation).

The property owner may file a written appeal of this action, but must do so within 20 days of the above listed "Date of Issuance". 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 violation was present on the property, and the issuance of the civil penalty was proper.

If this civil penalty is not paid within 26 days of its issuance 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, 2<sup>nd</sup> Floor, 200 East Main Street, Lexington, Kentucky 40507. Please include a copy of this invoice and/or documents clearly identifying the referenced property and civil penalty with your payment to ensure proper credit occurs.

Please note that as outlined in Chapter 17-152(b) of the Code of Ordinances, if the needed replacement is not completed and the property is not brought into compliance before the next re-inspection date of 04/12/2017, additional civil penalties may be assessed. Please take immediate steps to correct this violation to ensure no additional civil penalties or liens are issued.

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.

**STEVE GAHAFER**  
**NUISANCE CONTROL OFFICER**

**(859) 576-3851**  
Phone Number

**sgahafer@lexingtonky.gov**  
Email Address