

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

Date of Hearing: 03/13/2019

Hearing Officer: GERALD ROSS

Case number: 266009

Address: 2035 CUMMINS CT.

Owner: WYNTRAIL BRADFORD GREEN LLC C/O ACUTE LIVING

Present / Not Present

Person Representing Property Owner: _____

Mary Ann REAMS

Legal Standing: Power of Atty.

Issuance Date of Civil Penalty: 02/05/2019

Case Officer: JEFF POE

Housing with \$ 100.00 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: No heat

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: Held in abeyance til April 17, 2019.

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 until April 17, 2019 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 100⁰⁰. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: parts in need repair completed

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 by _____, 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: As 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.**

Gerald Ross
Hearing Officer's Signature

3/13/19
Date

Supplementary Page Completed



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**WYNTRAIL BRADFORD GREEN LLC; C/O ACUTE LIVING
1974 S ACOMA ST
DENVER, CO 80223**

Date & Time of Issuance: February 5, 2019, at 10:25 AM
Compliance Due Date: March 7, 2019
Case Number: 266009

RE: 2035 CUMMINS CT, 12, aka 2035 CUMMINS CT, Lexington, KY 40504

On **January 3, 2019 at 11:23 AM**, the above referenced property was placed under a Notice of Violation regarding required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **February 5, 2019 at 10:25 AM**, I conducted a re-inspection of the property and found that not all of the cited repairs/corrections have been completed. The purpose of this document is to formally notify you that due to the continued non-compliance and the presence of **1 violation(s)** on the property during the above indicated "Date of Issuance", you are being issued a citation. **As established in Chapter 12-1 of the Code of Ordinances you have been issued a citation in the amount of \$100.** Our records indicate you have received **1 citation(s)** in this case.

The property owner may file a written appeal of this action, but must do so within 7 days of the above listed "Date of Issuance". Appeals, which should indicate why the citation should be dismissed, may be filed via U.S. Mail or by delivering the request to: 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 this citation within the indicated time shall result in the determination the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the citation was proper.

If this citation is not paid within 14 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 citations 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, 218 East Main Street, Lexington, Kentucky 40507.** Please include a copy of this citation and/or documents clearly identifying the referenced property and this citation with the payment to ensure proper credit occurs.

Please note that as outlined in Chapter 12-1 of the Code of Ordinances, if the cited repairs are not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties ranging between \$100.00 and \$2,500.00 may be assessed. Please take immediate steps to correct these violations to ensure no additional citations or liens are issued.

Please contact me if you have any questions or concerns regarding this 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.

Inspection Comments:



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

A handwritten signature in black ink, appearing to read "Jeffrey Poe".

Jeffrey Poe
Code Enforcement Officer

Phone
(859) 576-3848

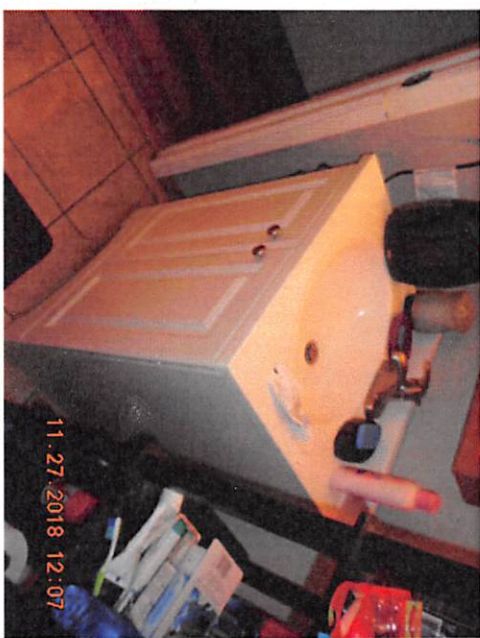
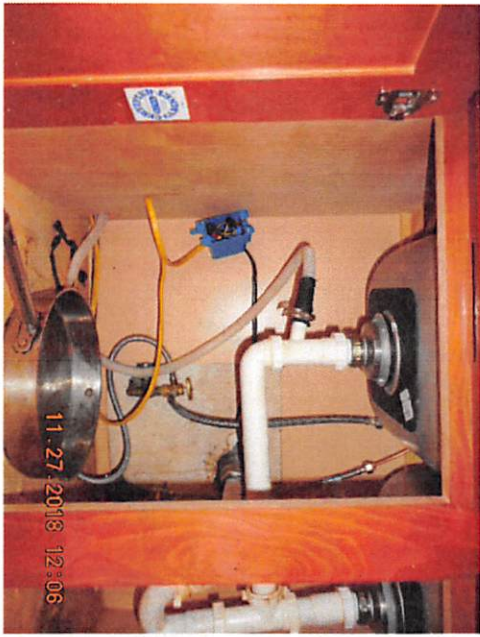
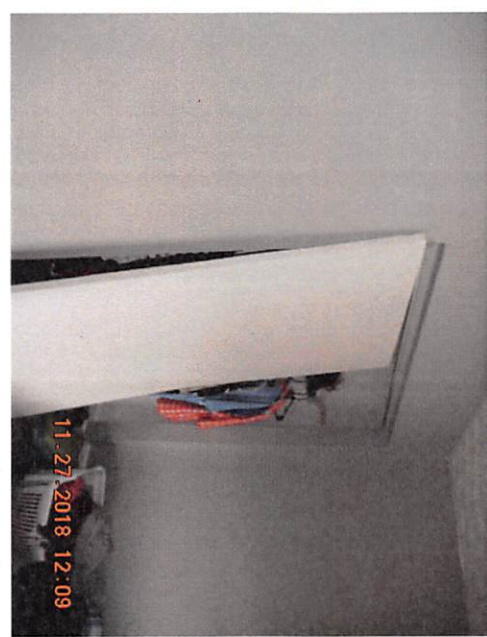
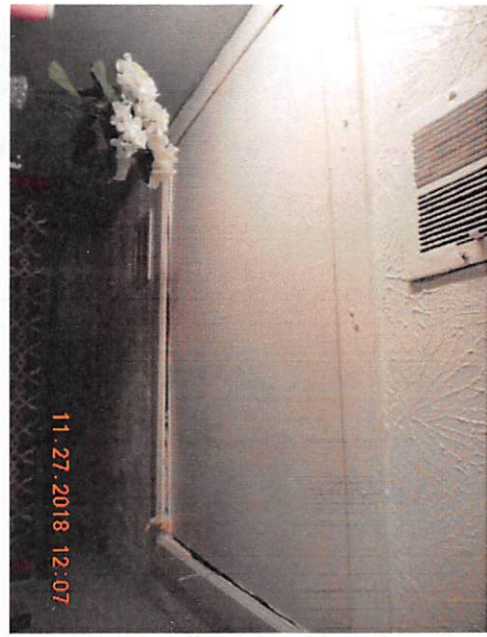
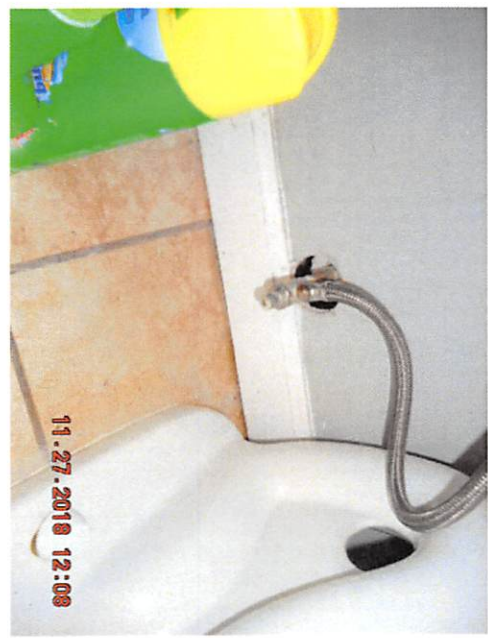
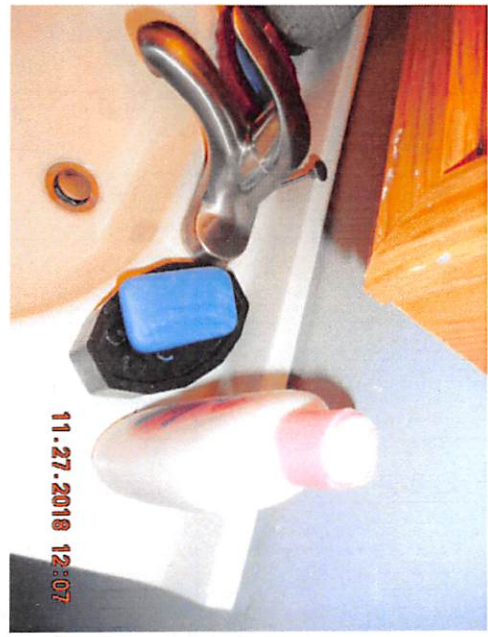
E-Mail Address
jpoe@lexingtonky.gov

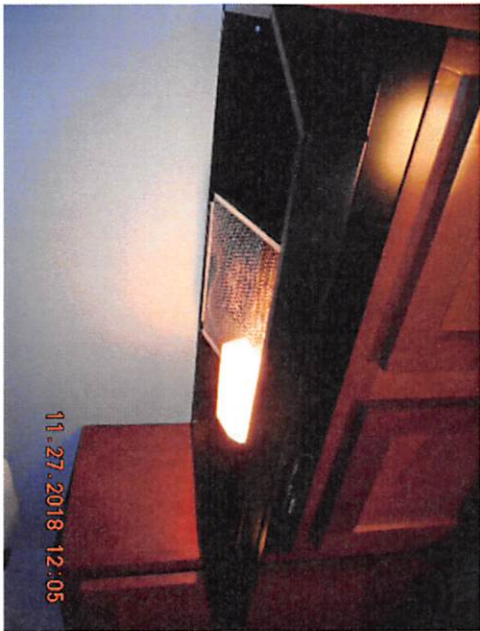
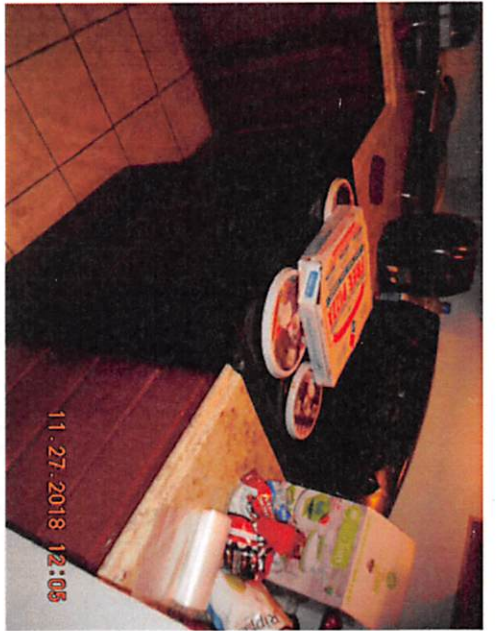
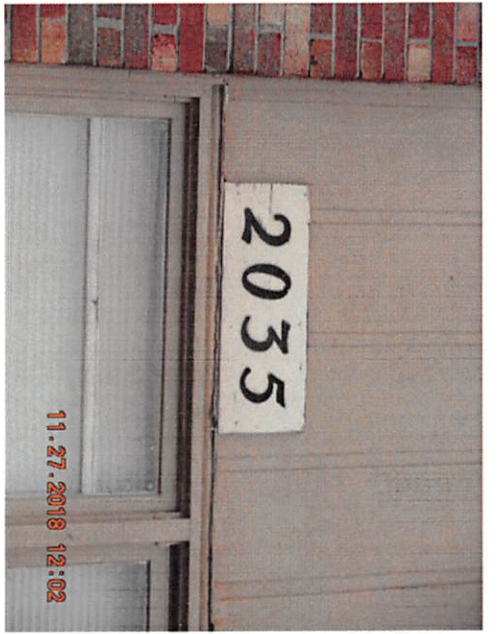


11-27-2018

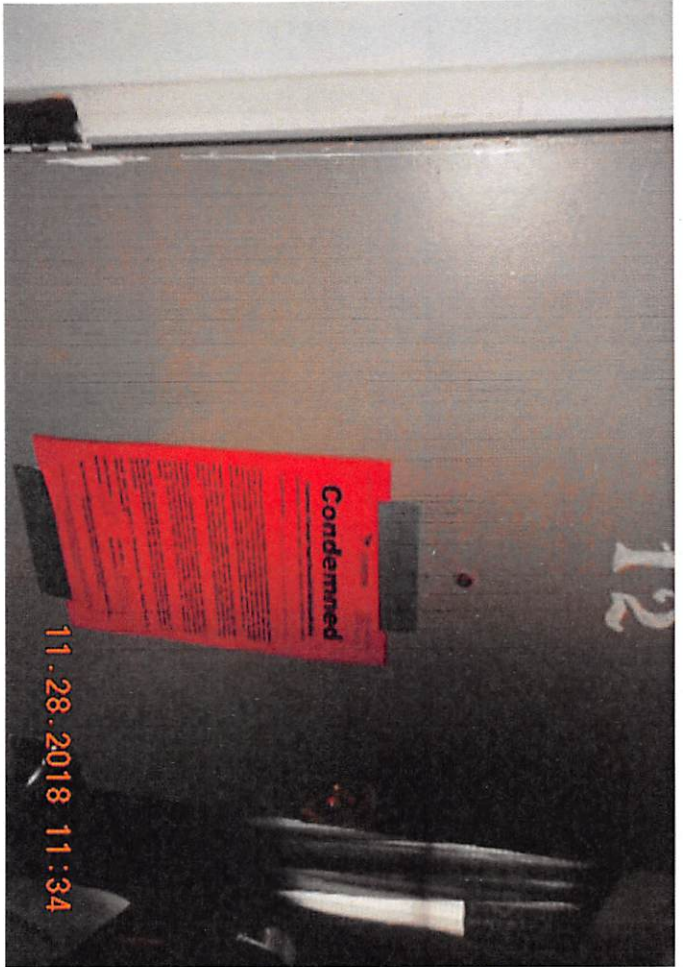
1 NO Heat

7 day notice to complete repairs

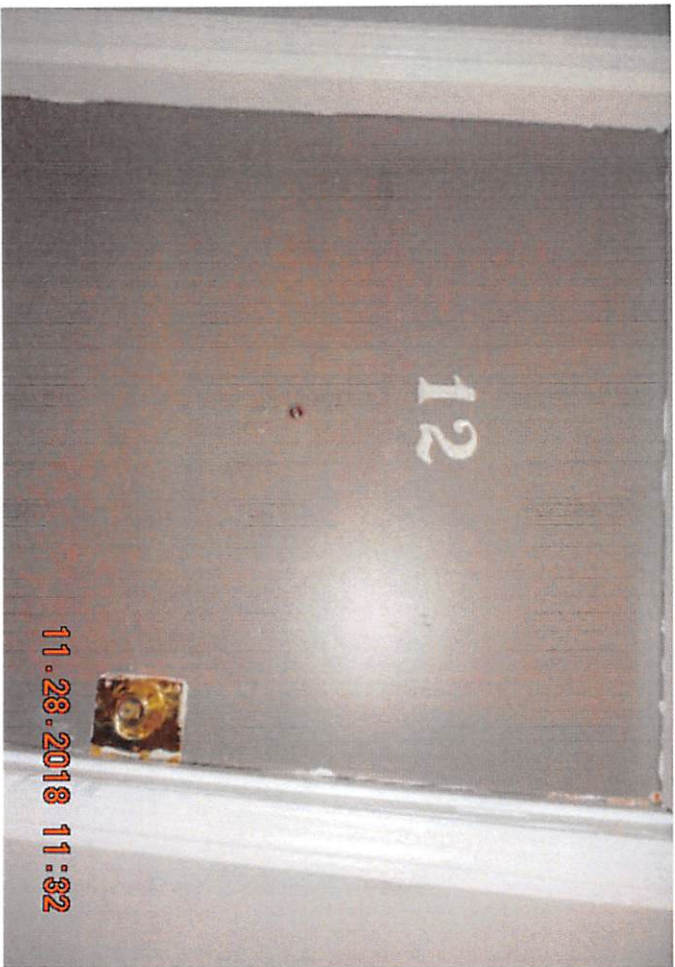




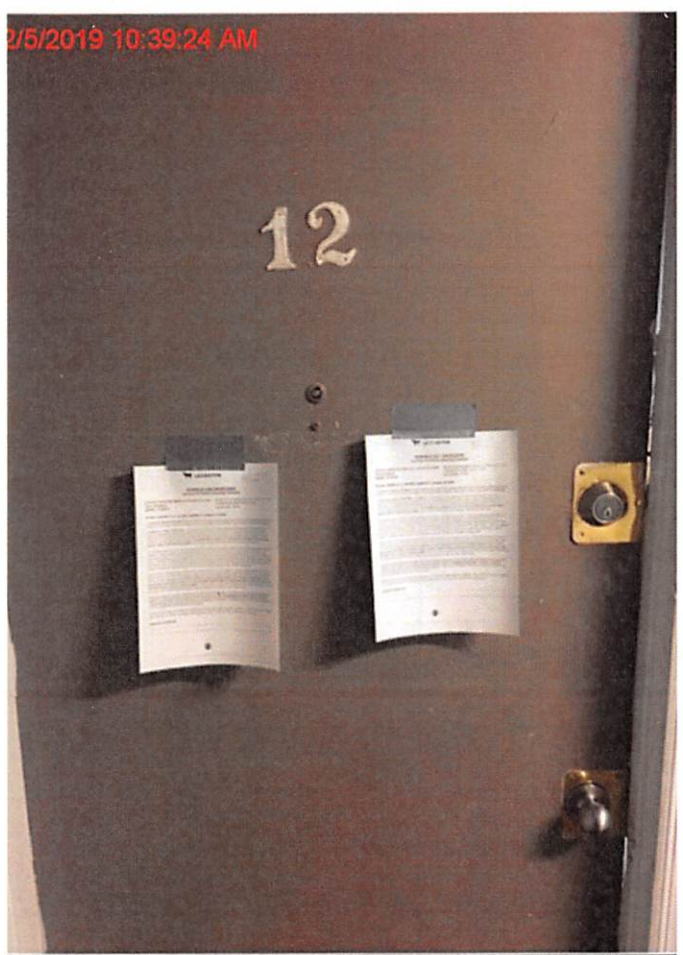
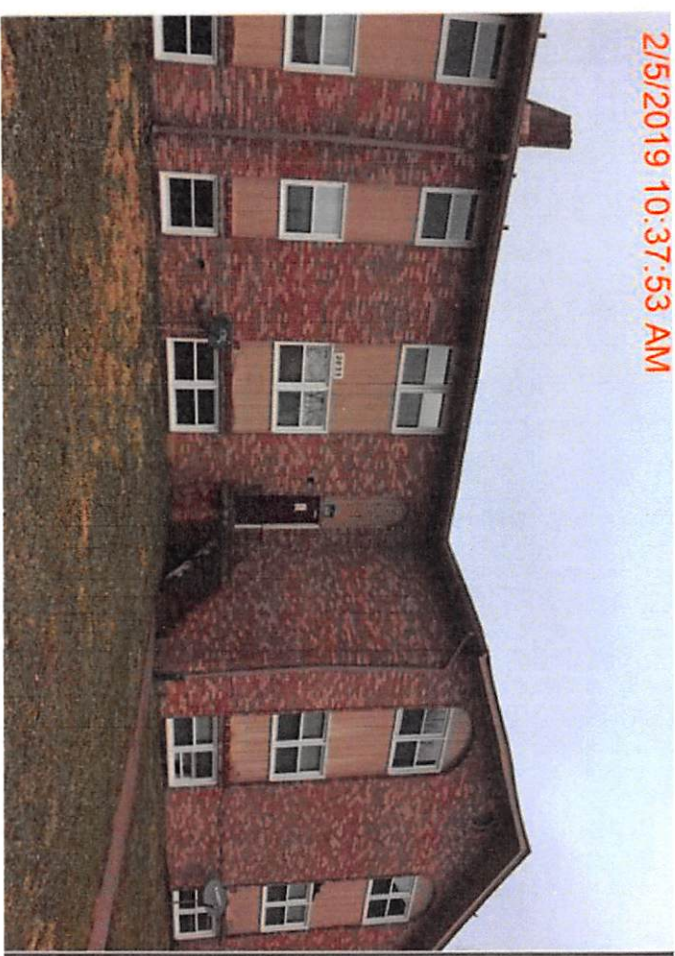
11-28-2018 1 violation (No Heat)



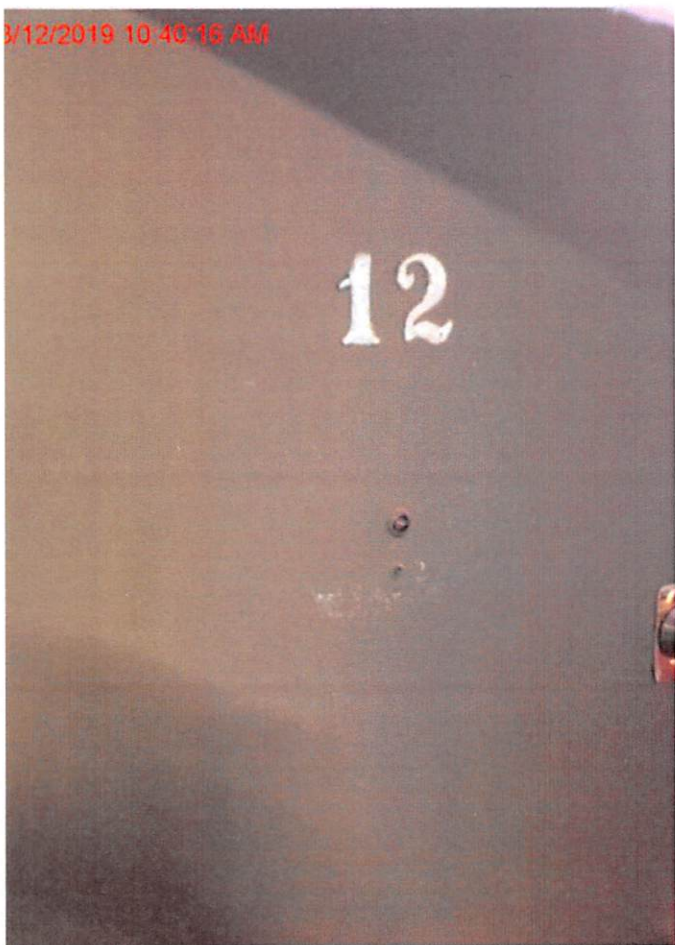
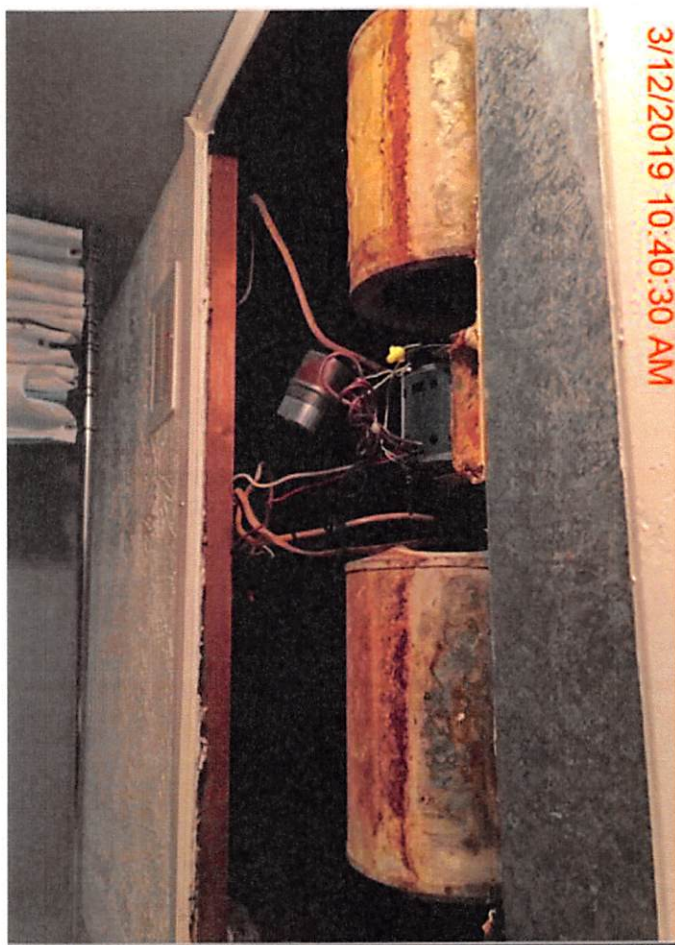
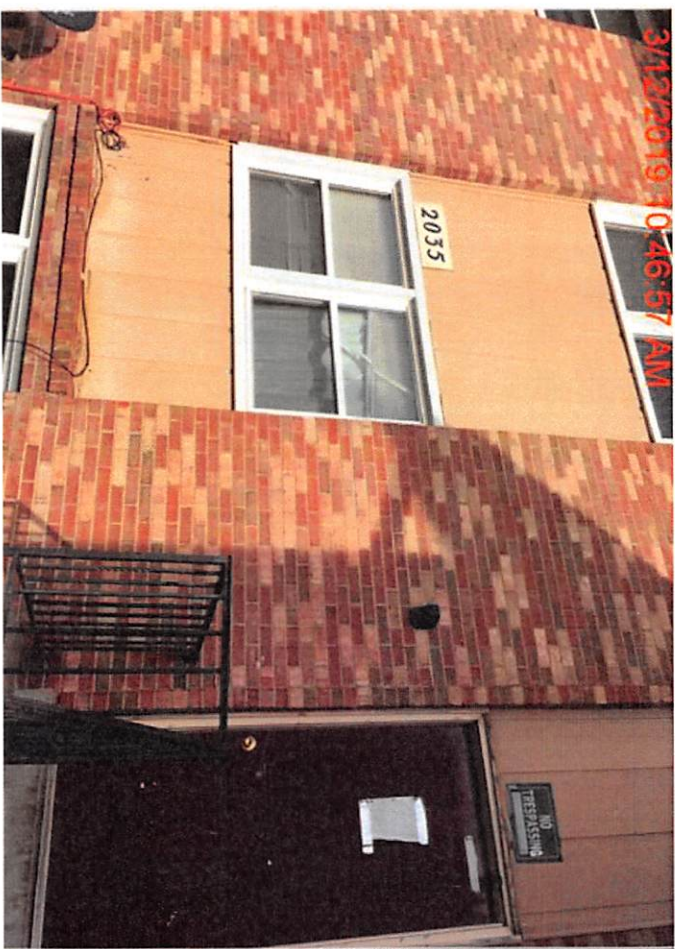
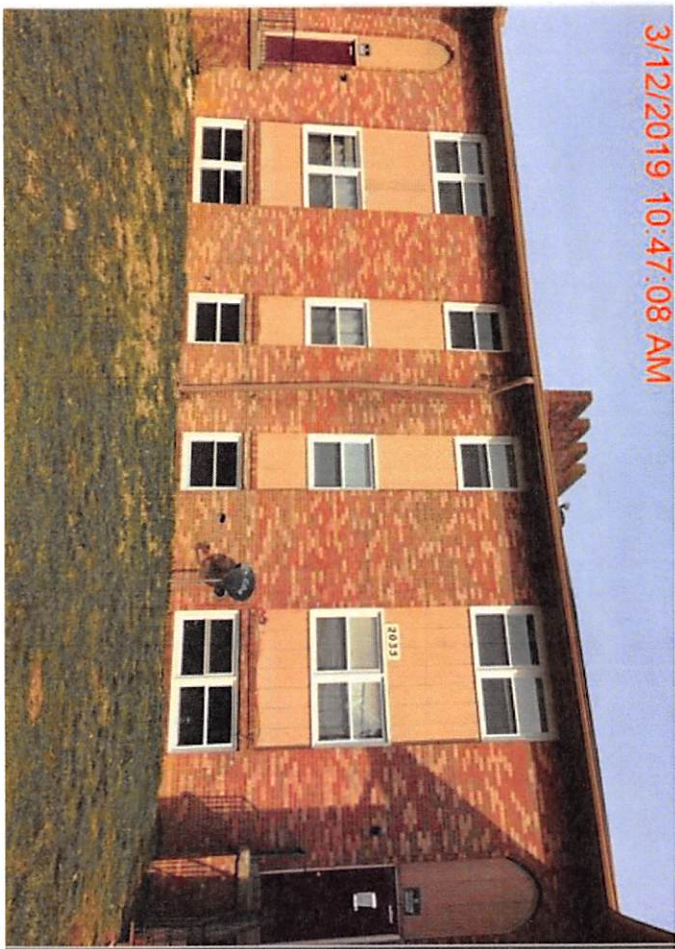
condemned unit



2-5-2019 1 violation (No Heat) \$100 CP



3-12-2019 Hearing Inspection 1 Violation remains (No heat)





FAYETTE COUNTY, KENTUCKY
 Property Valuation Administrator
 David O'Neill, PVA



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Owner and Parcel Information

Owner Name	WYNTRAIL BRADFORD GREEN LLC C/O ACUTE LIVING	January 1, 2019 Owner	WYNTRAIL BRADFORD GREEN LLC C/O ACUTE LIVING
Mailing Address	1974 S ACOMA ST DENVER, CO 80223	Parcel Number	14340911
Location Address	2035 CUMMINS CT LEXINGTON, KY 40504	Tax District	District 1
Legal Description	A-58 VILEY HEIGHTS UNIT 2-A LOT 26	2018 Tax Rate	1.2774
Property Class	M-Multi Family	Acres	0.5876
PVA Neighborhood	702-COMMERCIAL SOUTHWEST AREA	Parcel Map	Show Parcel Map
Land Use Code	401-M - APARTMENTS 3-19 RENTAL UNITS	ND-1 Zone	
USA/RSA Map	23	Overlay	
Map Block	007	PDR	
Lot	26	Map Scale	200
Subdivision	VILEY HEIGHTS UNIT 2-A	Block	H
Deeded Acres	0.5876	LFUCG Zoning	R-3-PLANNED NBHD RESIDENTIAL
Cabinet/Slide	A-58	Deeded Sqft	25,598
		Frontage / Out Of	197.3 /

Assessment Information

[Historical Assessments](#)

Year	Fair Cash Value	Agricultural Value Land	Agricultural Value Total	Exempt	Taxable Value
2018	\$ 294,000	\$ 0	\$ 0	\$ 0	\$ 294,000

Commercial Improvement Information

Card	Building Type	Structure Code/Desc	Units	Year Built	Above Grade Sqft	Total Basement Sqft	Finished Basement Sqft	Building Sketch
1	1	211-APARTMENTS -MULTIF	12	1969	11,520	5,760		Show Sketch

Building Photo Preview [Enlarge/Show All Photos](#)



Accessory Information

Description	Year Built	Area	Grade
PAVING ASPHALT PARKING	1969	0	C

Sale Information

Sale Date	Sale Price	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner
2017-12-20	\$ 4,342,000	3549	340	11-MULTIPLE PROPERTIES	WYNTRAIL BRADFORD GREEN LLC	BRADFORD GREEN APARTMENTS LLC
2014-03-28	\$ 1,050,000	3225	449	11-MULTIPLE PROPERTIES	BRADFORD GREEN APARTMENTS LLC	BRADFORD GREEN LLC
2011-01-27	\$ 450,000	2991	226	12-1ST SALE AFTER FORECLOSURE	BRADFORD GREEN LLC	WELLS FARGO BANK NA TRUSTEE
2010-04-22	\$ 840,000	2950	137	11-MULTIPLE PROPERTIES	WELLS FARGO BANK NA TRUSTEE	REHFIELD BRADFORD INVESTMENTS LLC
2005-06-21	\$ 1,360,000	2561	296	11-MULTIPLE PROPERTIES	REHFIELD BRADFORD INVESTMENTS LLC	BRADFORD CUMMINS LLC
2004-11-09	\$ 1,000,000	2508	309	11-MULTIPLE PROPERTIES	BRADFORD CUMMINS LLC	BURNETT BURNETT MORGAN & RATHER
1985-07-15		1376	61	00-ARMS LENGTH TRANSACTION	BURNETT BURNETT MORGAN &	HAYNES HAROLD C JR & L F
1977-06-29	\$ 564,000	1173	433	11-MULTIPLE PROPERTIES	HAYNES HAROLD C JR &	

The Fayette County Property Valuation Administrator's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Website Updated: March 8, 2019