

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

Date of Hearing: 02/26/2020

Hearing Officer: GERALD ROSS

Case number: 435452

Address: 269 OSAGE CT.

Owner: LAKES EDGE DEVELOPMENT LLC

Present /Not Present

Person Representing Property Owner: _____

Gary Roland

Legal Standing: Power of Atty

Issuance Date of Civil Penalty: 1/16/2020

Case Officer: THAD SCOTT

Housing with \$ 200.00 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. *via P.O.A*

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

A violation(s) of the Ordinance was committed. To Wit: Numerous -

same repairs made

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Address: 269 OSAGE CT.

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 until 3/27/2020 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 200⁰⁰. 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: Workers were present working on repairs 2/25.

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

2/26/2020
Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**LAKES EDGE DEVELOPMENT LLC
901 RICHMOND RD
LEXINGTON, KY 40509**

**Date & Time of Issuance: January 16, 2020, at 4:20 PM
Compliance Due Date: February 15, 2020
Case Number: 435452**

RE: 269 OSAGE CT, Lexington, KY 40509

On **December 5, 2019 at 1:29 PM**, 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 **January 16, 2020 at 4:20 PM**, 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 **10** 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 \$200.** 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:

Interior violations have not been corrected. Please perform repairs to avoid additional citations. You may appeal this citation within 7 days.





Thad Scott

Thad Scott

Code Enforcement Supervisor

Phone

(859) 576-3852

E-Mail Address

tscott@lexingtonky.gov

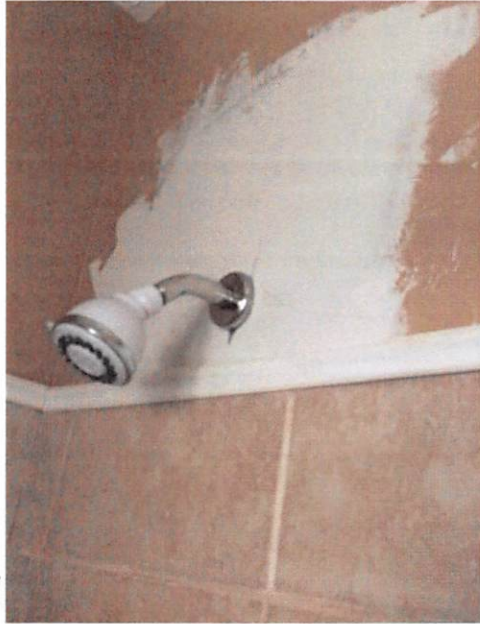


EXHIBIT 7
tabbles

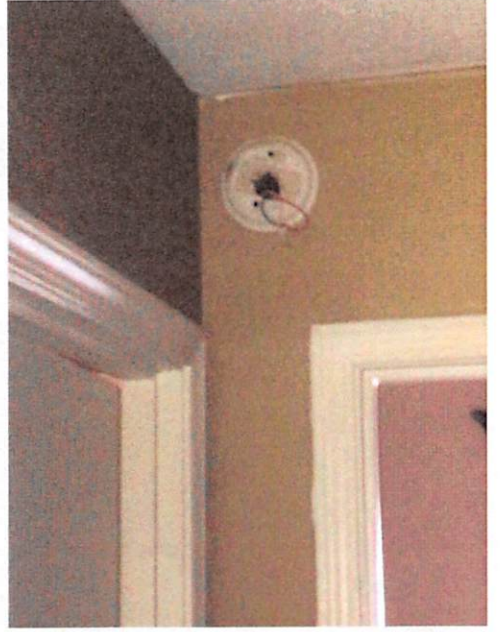
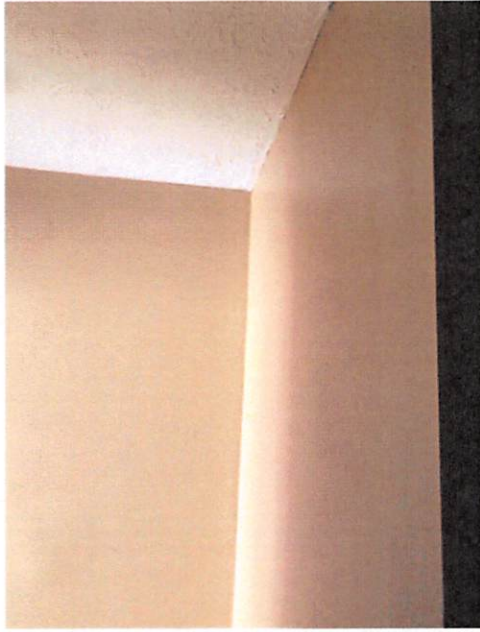


Dec 5, 2019 at 12

NOTICE 12/05/19



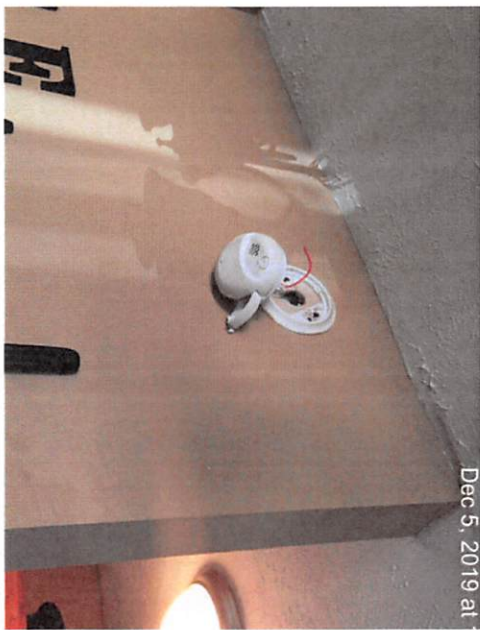
Dec 5, 2019 at



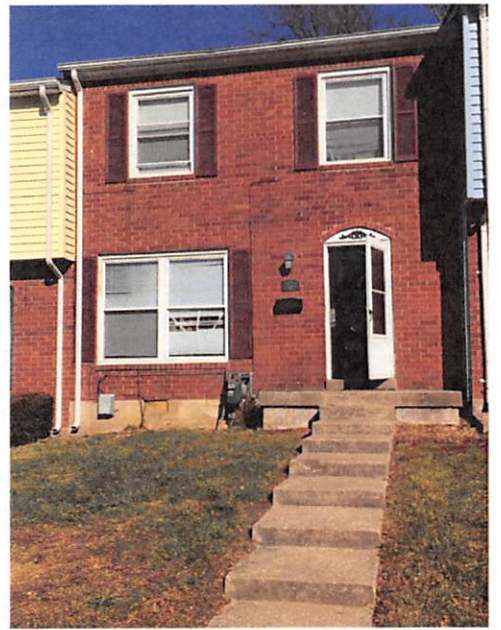
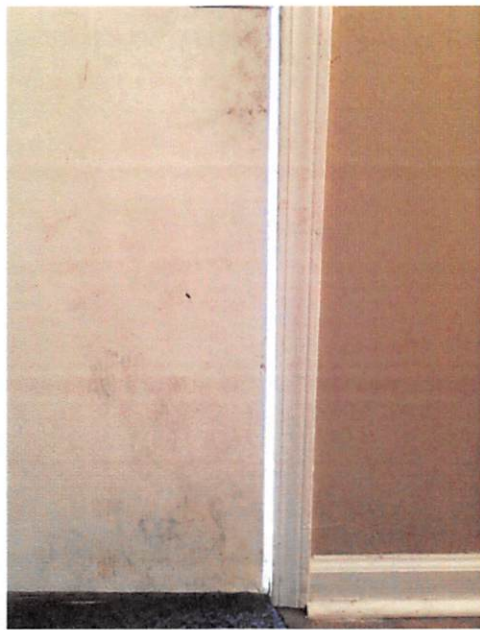
Dec 5, 2019 at



Dec 5, 2019 at



Dec 5, 2019 at







CITATION 01/16/20

DIVISION OF
Notice
30

LAKES EDGE DEVELOPMENT LLC
 901 RICHMOND RD
 LEXINGTON, KY 40509

RE: 269 OSAGE CT, Lexington, KY 40509


On December 5, 2019 at 1:29 PM I conducted an inspection pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Maintenance Code. At which time I documented and maintained accepted levels of health, safety and/or minor violations during the above indicated inspection are located on the property.

This non-appealable notice and the attached/enclosed information and the presence of the aforementioned violations. This notice also provides you with information/guidance regarding the violations and also provides you with information/guidance regarding the violations.

FIN

It has been found that a violation(s) exists which is a public health hazard.

MAYOR LINDA GORTON

 **LEXINGTON**

DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing)

LAKES EDGE DEVELOPMENT LLC
 901 RICHMOND RD
 LEXINGTON, KY 40509

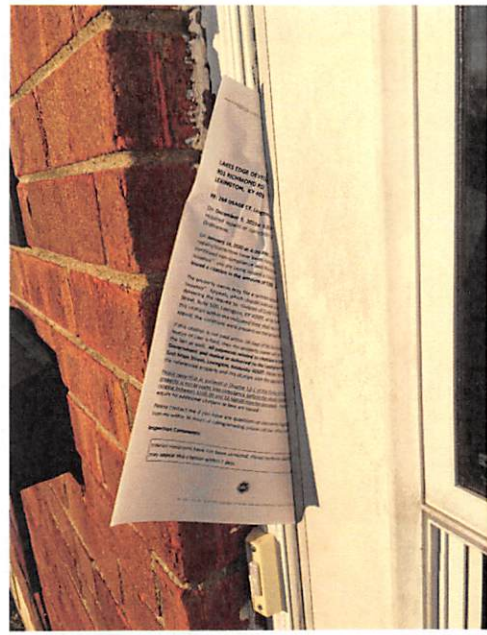
RE: 269 OSAGE CT, Lexington, KY 40509

Date & Time of Inspection: December 5, 2019 at 1:29 PM
 Compliance Code: Chapter 12
 Case Number: [Redacted]

On December 5, 2019 at 1:29 PM, the above referenced property was inspected and required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Maintenance Code. At which time I documented and maintained accepted levels of health, safety and/or minor violations during the above indicated inspection are located on the property.

On January 16, 2020 at 4:20 PM, I conducted a re-inspection of the property to determine if the required repairs/corrections have been completed. The purpose of this document is to document the continued non-compliance and the presence of 10 violation(s) on the property. As established in Chapter 12 of the Lexington-Fayette Urban County Government Maintenance Code, you are being issued a citation in the amount of \$200. Our records indicate you have not completed the required repairs/corrections.

The property owner may file a written appeal of this action, but must do so within 14 days of the date of issuance. Appeals, which should indicate why the citation should be rescinded, should be delivered to: Division of Code Enforcement, C/O Secretary of Public Works, 500 West Main Street, Suite 500, Lexington, KY 40507, or by faxing the appeal request to: 606-253-4333. If the appeal is not received within the indicated time, the citation shall remain in effect. If the citation is not paid within 14 days of its issuance and it is not on appeal, a Notice of Lien is filed, then the property owner will be responsible for the lien as well. All violations must be corrected within the time frame specified in the citation.



Pre-hearing Insp.

2-25-2020
269 usage Ct.



LIMITED (SPECIAL) POWER OF ATTORNEY

I, MATT WHITE, residing at 901 RICHMOND RD
LEXINGTON, KY, hereby appoint
GARY
ROLAND of ROLAND PROPERTIES, as my Attorney-in-Fact ("Agent") for the purposes expressed herein.

I hereby revoke any and all powers of attorney that previously have been signed by me only to the extent that any such power of attorney covers the same subject matter of this power of attorney.

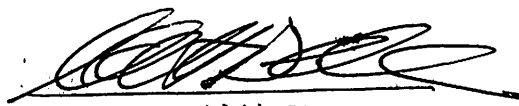
My Agent shall have full power and authority to act on my behalf but only to the extent permitted by this Special Power of Attorney. My Agent's powers shall include the power to:

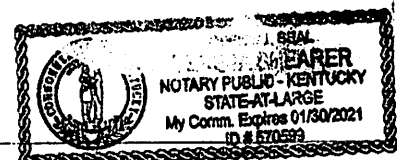
- REPRESENT LAKES EDGE REGARDING
- A CODE VIOLATION APPEAL REGARDING
- 269 OSAGE CT.
- _____

This Special Power of Attorney starts to be effective on FEB, 25, 2020.

I grant my Attorney-in-Fact full authority to act in any reasonable and necessary manner for the purpose of exercising the above powers. I ratify all lawfully performed acts by my Attorney-in-Fact in exercising those powers.

This Special Power of Attorney is governed by the laws set forth under the State of KY.


MATT WHITE
LAKES EDGE DEV.




NOTARY

February 26, 2020