NOTICE OF LIEN CLAIMED

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

560 RHODORA RIDGE

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CLAIMANT

VS.

ANN M OLIVER; PAUL A OLIVER & LINDA OLIVER

OWNER(S)

ACTION TYPE: **Sidewalk Citation**
ACTION DATE: **June 16, 2023**
ACTION COST: **$225.00**

CASE#: 616489

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) 65.8825 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

560 RHODORA RIDGE

(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) ***this lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes***;

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:

Randi Rowady
Nuisance Control Officer

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Randi Rowady, 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 19th day of July, 2023.

My commission expires: 2-20-24

#KYNP5185
Notary Public
Kentucky, State-at-Large

PREPARED BY:

Lexington-Fayette Urban County Government
Department of Law
200 E. Main Street
Lexington, Kentucky 40507

MAYOR LINDA GORTON

LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

COPY

DIVISION OF CODE ENFORCEMENT

Issuance of Citation (Sidewalk Violation)

OLIVER ANN M; OLIVER PAUL A & LINDA
1000 SUMMER WIND LN
LEXINGTON, KY 40515

Date & Time of Issuance: June 16, 2023, at 12:50 PM
Compliance Due Date: July 16, 2023
Case Number: 616489

RE: 560 RHODORA RIDGE, Lexington, KY 40517

On **May 15, 2023 at 10:18 AM**, the above referenced property was placed under a Notice of Violation regarding required replacement and/or repair to an adjacent sidewalk pursuant to Chapter 17-147 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **June 16, 2023 at 12:50 PM**, I conducted a re-inspection of the property and found that the sidewalk was still not in compliance. The purpose of this document is to formally notify you that due to the continued non-compliance during the above indicated "Date of Issuance"; you are being issued a citation. As established in Chapter 17 of the Code of Ordinances you have been issued a citation in the amount of **$225.** This amount is based on Chapter 17-152 of the Lexington-Fayette Urban County Government Code of Ordinances which states the owner, "may be assessed a civil penalty of ten dollars ($10.00) per square foot of unrepaired sidewalk panel, up to a maximum civil penalty of five hundred dollars ($500.00). **This amount includes a $25.00 Administrative fee.** (20 Square Footage in Violation.)

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 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 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.
As outlined in Chapter 17 of the Code of Ordinances, if the cited replacement/repair is not completed and the property is not brought into compliance before the above indicated **"Compliance Due Date",** additional penalties 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

COPY

Randi Rowady

Randi Rowady	**Phone**	**E-Mail Address**
Nuisance Control Officer	(859) 576-3840	rrowady2@lexingtonky.gov