

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

Date of Hearing: 11/08/2023

Hearing Officer: JOE BUCKLES

Case number: 1026198

Address: 201 E. MAIN ST.

Owner: CHASE TOWER BUILDING OWNER LLC

Present / Not Present

Person Representing Property Owner: Ann Killcayne, Power of attorney

Legal Standing: _____

Issuance Date of Notice: 09/07/2023

Case Officer: KEVIN INGRAM

☒ Housing with \$ 225.00 Civil Penalty Amount

☐ Nuisance with \$ _____ Civil Penalty Amount

☐ Sidewalk with \$ _____ Civil Penalty Amount

☐ Emergency Abatement _____ ☐ Nuisance ☒ Housing

☐ Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

X 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: _____

X A violation(s) of the Ordinance was committed. To Wit: _____

Collapsed stair case in process of being rebuilt and parking garage drain repair

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes:

held in abeyance

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 5/31/2024 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 225.00. 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: Supervisor's discretion for Substantial work completion.

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.**

Hearing Officer's Signature

Date

**DIVISION OF CODE ENFORCEMENT**
Issuance of Citation (Housing Violation)**CHASE TOWER BUILDING OWNER LLC
200 LAKE AVE FL 2
LAKE WORTH BEACH, FL 33460****Date & Time of Issuance: September 7, 2023, at 8:37 AM
Compliance Due Date: October 7, 2023
Case Number: 1026198****RE: 201 E MAIN ST, Lexington, KY 40507**

On **July 11, 2023 at 2:21 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 **September 7, 2023 at 8:37 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 **6 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 \$225. This amount includes a \$25.00 Administrative fee.** 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:

A handwritten signature of Kevin Ingram in cursive script.

Kevin Ingram
Code Enforcement Supervisor

Phone
(859) 258-3273

E-Mail Address
kingram@lexingtonky.gov



REAL ESTATE POWER OF ATTORNEY

The business entity Chase Tower Building Owner LLC of 200 Lake Avenue, 2nd Floor, Lake Worth Beach, Florida, 33460 (the "Principal")

Dennis Udwin is recognized under this Real Estate Power of Attorney to act as a representative with the full authority to create this Power of Attorney on behalf of Chase Tower Building Owner LLC

HEREBY APPOINTS

The individual Anne Kilcoyne of 1101 Clovelly CT, Lexington, KY, 40517 (the "Agent")

TO CONDUCT THE FOLLOWING

The Agent is authorized to perform any act related to the resolution of the Lexington Division of Code Enforcement's case number 1026198, in addition to the management or maintenance of real estate which includes, but is not limited to, making repairs (with reimbursement), approving sub-contractors for work, negotiating rents, signing lease/sublease agreements, evicting tenants and any other representation as required on a day-to-day basis.

THE AFOREMENTIONED POWERS STATED IN THIS REAL ESTATE POWER OF ATTORNEY MAY ONLY BE USED FOR THE REAL ESTATE LOCATED AT:

Mailing Address: 201 East Main Street, Lexington, Kentucky, 40507

Legal Description: Parcel ID Number(s): 12069600 and 14794500

This power of attorney document shall begin on November 1, 2023 and end on November 30, 2023.

In addition, this power of attorney document shall be considered void if another is created for the Principal for their real estate or if a revocation form has been authorized.

The Principal grants the Agent the full power and authority to perform all acts on their behalf, in accordance with the aforementioned powers, as they could do if personally present, hereby ratifying and confirming all that the Agent may do pursuant to this power.

This power of attorney document shall be governed by, and construed in accordance with, the laws located in the State where the property is located.

This power of attorney hereby revokes any existing power of attorney document that may have previously been granted in relation to the above-described real estate.

The Principal and Agent shall execute this power of attorney in the presence of a notary public.

Principal's Signature 

Acceptance by Agent

The undersigned Agent acknowledges and executes this Power of Attorney, and by such execution does hereby affirm that they: (A) accept the appointment; (B) understand the duties under this Power of Attorney and the law.

Agent's Signature 
Anne Kilcoyne

NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of Palm Beach

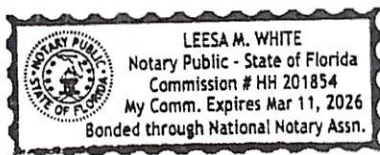
State of Florida

On this 23 day of October, 2023, before me, appeared Dennis Udwin, as the President of Chase Tower Building Owner, LLC who proved to me through government-issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that (s)he executed the same as his/her free act and deed.

Leesa M. White

Notary Public

Print Name: Leesa M. White My commission expires: 3/11/26



NOTARY ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

County of Fayette

State of Kentucky

On this 8 day of November, 2023, before me, Melanie Johnson appeared Anne Kilcoyne, as the AVP Property Mgr of NAI ISAAC who proved to me through government-issued photo identification to be the above-named person, in my presence executed foregoing instrument and acknowledged that (s)he executed the same as his/her free act and deed.

Melanie A. Johnson

Notary Public

Print Name: Melanie A. Johnson My commission expires: 7/12/2026

