

NOTICE OF LIEN CLAIMED

**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
ENVIRONMENTAL SERVICES LIEN (KRS 65.8835) AND AFFIDAVIT FOR A CIVIL
PENALTY ON
THE PROPERTY LOCATED AT**

168 Beverly Ave.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT CLAIMANT

VS.

Daniel Lopez OWNER(S)

ACTION TYPE: Civil Citation (16-101 Grading without a permit)

ACTION DATE: 7/13/2020

ACTION COST: \$1,750.00

CITATION #: 20-C0051

COMES NOW, the undersigned Affiant, who is duly authorized to issue citations on behalf of the Lexington-Fayette Urban County Government's Division of Environmental Services, 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 KRS 65.8801, et seq.; and Chapter 2B and Article XII, Chapter 16 of the Code of Ordinances, Lexington-Fayette Urban County Government (the "Code"), issued a citation with a civil fine in the amount of the above "ACTION COST", which includes any applicable administrative fee, against OWNER(s) for the condition of real property located at

168 Beverly Ave.

(the "Property");

2. That: (a) OWNER(s) was in violation of certain provisions of the Code due to the existence of condition(s) on the Property at the time the citation and civil fine was issued; (b) 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 the citation and civil fine was appropriate; and (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 above ACTION COST is hereby noticed, asserted, and confirmed as provided in the aforementioned laws;

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4. That pursuant to KRS 65.8835(1)(c) and KRS 65.8836, **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 OWNER(s) shall also be responsible for any costs or expenses incurred by LFUCG in recording or releasing this lien plus court costs, if any, for collection until paid.


BY: 
Ben Cornett
Environmental Enforcement
Specialist

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by **BEN CORNETT**, a citation officer with the Division of Environmental Services, Lexington-Fayette Urban County Government, for and on behalf of the Government, on this the **10TH** day of **DECEMBER**, 2020.

My commission expires: **05/16/2021**

 #577344
Notary Public
Kentucky, State-at-Large

PREPARED BY:


Even Thompson
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
DEPARTMENT OF LAW
200 EAST MAIN STREET
LEXINGTON, KY 40507
TELEPHONE: (859) 258-3500



Lexington Fayette Urban County Government

DEPARTMENT OF ENVIRONMENTAL QUALITY AND PUBLIC WORKS

CIVIL CITATION and ASSESSMENT OF CIVIL PENALTY

Daniel Lopez
3575 Caulder Rd.
Lexington, KY 40517

Date: 7/13/20
Date & Time of Offense: 7/13/20 12:21 pm
Re: Property: 168 Beverly Ave.

You are hereby given notice that you are in violation of Chapter 16 of the Lexington-Fayette Urban County Government Code of Ordinances. You are hereby ordered to immediately cease and desist the activities or conditions contributing to the violation. The violation(s) listed below must be abated by noon on Monday July 20th, 2020 or additional citations and penalties will be assessed.

Section(s) of the Code of Ordinances Violated:

16-101- Erosion and Sediment Control Plans for Land Disturbance of Less Than 1 Acre.

Facts Constituting the Violation(s):

DES follow up inspection on 7/13/20 for citation issued 7/6/20 found that the fill material had been graded out and the site was out of compliance.

Corrective Actions:

Either remove all fill that has been placed on site and stabilize with permanent vegetation or obtain the proper Land Disturbance Permit and install required erosion and sediment controls. If the LDP is obtained then you must post a copy along with the approved ESC plan and weekly inspection reports.

Civil Penalty

In accordance with Section 16-203 of the Code of Ordinances, you are hereby issued a civil penalty in the amount of \$1,750.00. If you fully comply with the corrective action listed above, the civil penalty due will be reduced to \$1,166.67

To pay the penalty, return the attached invoice with your check made payable to the *Lexington-Fayette Urban County Government (LFUCG)* to:

Lexington-Fayette Urban County Government
Department of Environmental Quality and Public Works
200 East Main Street, Suite 925
Lexington, KY 40507
Attn: Environmental Civil Penalty

Payment of the penalty does not relieve you of the responsibility to correct the violation(s) cited above. Failure to correct the violation(s) in the timeframe stipulated above or comply with related administrative orders or corrective actions will result in additional civil citations and the assessment of additional penalties.

Appeals

If you feel that the civil citation and/or assessment of the civil penalty have been issued in error, you may appeal the citation and/or penalty and request a hearing before the Environmental Hearing Board. To do so, you must file a written request with the hearing board or its designee detailing the grounds for your appeal. The request must be filed within seven (7) days of service of the citation. Failure to file the request within seven (7) days will result in a waiver of your right to a hearing, and the determination that a violation occurred will be final.

Please note if your appeal fails the maximum civil penalty of \$1,750.00 may still apply.

To appeal the citation or penalty, return your written request for a hearing and the grounds for your appeal to:

Lexington-Fayette Urban County Government
Department of Environmental Quality and Public Works
200 East Main Street, Suite 925
Lexington, KY 40507
Attn: Environmental Hearing Board

If you have questions or desire further information you may contact:

Name of LFUCG Representative: Ben Cornett

Address: 200 East Main Street, Suite 925

Phone Number: (859) 258-3096

Issued by Ben Cornett 7/13/20 at 01:12 pm

Signed: _____





Mayor Linda Gorton

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
Division of Environmental Services Department of Environmental Quality and Public Works

**Environmental Civil Penalty
INVOICE**

Date: July 13, 2020

Invoice To: Daniel Lopez

Invoice Number: 3122

Citation Number	Date of Citation	Location of Violation	Civil Penalty
20-C0051	July 13, 2020	168 Beverly Ave	1750.00

Violation:

If Paid on Time
and in Full Compliance **1166.67**

AMOUNT PAID

Make check Payable to: **LFUCG**

Return Payment to: Lexington-Fayette Urban County Government
Division of Environmental Services
200 East Main Street, Suite 925
Lexington, KY 40507
Attn: Environmental Civil Penalty

Unless an appeal is filed within seven (7) days of the date the citation was issued, this invoice amount must be paid on or before: **August 17, 2020** If payment is not received on or before the date, you may be subject to additional enforcement action.

CUSTOMER COPY

HORSE CAPITAL OF THE WORLD

200 East Main Street, 9th Floor Lexington, KY 40507 Ph:(859)425-2800 Fax:(859)425-2859 www.lexingtonky.gov

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: EMILY GENTRY ,dc

202012280375

December 28, 2020 10:11:22 AM

Fees	\$23.00	Tax	\$0.00
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Total Paid	\$23.00
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