

**CODE ENFORCEMENT BOARD
CITY OF MIDDLESBORO
CASE #F018.0062**

CITY OF MIDDLESBORO,

PETITIONER,

VS.

CHARLES ALBERT YORK,

RESPONDENT.

NOTICE OF MUNICIPAL LIEN PURSUANT TO KRS 65.8835

CITY OF MIDDLESBORO, KENTUCKY

Notice is hereby given that the real property of Charles Albert York, located at 712 Dorchester Avenue, Middlesboro, Kentucky, 40965, Parcel ID# 069-41-11-012.00, of record in the Bell County Court Clerk's Office in Deed Book 294 at Page 262, is subject to fine assessment(s) of the City of Middlesboro, Kentucky.

Based on violations of the City Code of Ordinances §151.14 and §91.01(B)(D) as adjudicated in Case #F018.0062 by issuance of Findings of Fact and Final Order dated August 16, 2019 by the Middlesboro Codes Enforcement Board, the City of Middlesboro, pursuant to City Code §32.122 and KRS 65.8835, hereby asserts a lien against the subject property hereinabove identified.

It is hereby certified that a copy of this Notice of Municipal Lien on Real Estate has been hand-delivered or mailed to the last known address of the above-named individual and to the Bell County Court Clerk, by regular first-class mail, postage pre-paid, on this the 20 day of September, 2019.



TIM KELLEY

P.O. Box 756

Middlesboro, KY 40965

Phone: 606-248-5670

Middlesboro City Codes Enforcement Department



BLAKE S. BOWLING, Esq.
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City Attorney for Middlesboro, Kentucky

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CITY OF MIDDLESBORO,

PETITIONER,

VS.

CHARLES ALBERT YORK,

RESPONDENT.

AFFIDAVIT OF TIM KELLEY, CODES ENFORCEMENT OFFICER

Affiant, Tim Kelley, Codes Enforcement Officer for the City of Middlesboro, Kentucky, hereby avers as follows:

1. The property at 712 Dorchester Avenue, Middlesboro, Kentucky, 40965, owned by Charles Albert York, was cited for multiple violations of Middlesboro City Code housing violations.
2. Charles Albert York received a charging citation issued by the Codes Enforcement Office dated June 17, 2019.
3. The violations in said citation were not voluntarily rectified and the matter proceeded to a final hearing before the Middlesboro City Codes Enforcement Board under Case No. F018.0062, wherein Findings of Fact were made and a Final Order issued on August 16, 2019.
4. The Order granted the landowner thirty (30) days from the date thereof to voluntarily rectify the violations.
5. At the expiration of the thirty (30) days, the landowner had not rectified the adjudicated violations.
6. The Final Order issued by the Codes Enforcement Board provides: "In the event that the violation(s) is not corrected on or before the date specified, then there shall be imposed upon the Respondent a civil fine of \$120.00 per month from date of Final Order and continuing each day, up to the maximum allowable fine for this offense, until the violation is corrected."
7. As the Codes Enforcement Officer for the City of Middlesboro, I attest that the citation and proceedings before the Codes Enforcement Board were effectuated and met all requirements of Chapter 32 of the Middlesboro City Code of Ordinances.

Tim Kelley

**TIM KELLEY, Codes Enforcement Officer
City of Middlesboro, Kentucky**

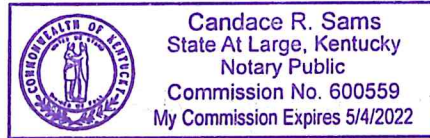
STATE OF KENTUCKY
COUNTY OF BELL

The foregoing Affidavit was subscribed, sworn to, and acknowledged before me by TIM
KELLEY on this the 20th day of September, 2019.

Candace R. Sams

NOTARY PUBLIC, State at Large

My Commission Expires: 05/04/2022



Code Enforcement Board

City of Middlesboro

Case # FO18.0062

City of Middlesboro, Kentucky

Petitioner

V

Charles Albert York

Respondent(s)

Findings of Fact, Conclusions

Of Law, and Final Order

This cause was presented at a public hearing before the Code Enforcement Board on August 06, 2019, after due notice to the Respondent, and the Board having heard testimony, received evidence, heard and considered arguments, now issue its Findings of Fact, Conclusions of Law and Final Order, as follows:

Findings of Fact

The Respondent, Charles Albert York, whose mailing address is P.O. Box 446, Middlesboro, Ky 40965, is the owner or person in charge of property located at 712 Dorchester Avenue, Middlesboro, Kentucky 40965.

The Respondent received a citation issued by John O'Boyle, dated June 17/2019, which charged the Respondent with a violation of Section(s) 151.14, 91.01(B)(D) of the Code of Ordinances of the City of Middlesboro, Kentucky described as follows: Every wall, window, door, floor, roof, and porch shall be maintained in sound condition and repair. Accumulation of trash, rubbish, garbage, and other waste materials is considered a nuisance. Excessive weeds, grass, and other vegetation is considered a nuisance.

The Board finds, based on all of the testimony and evidence presented at the hearing, that the condition described in the citation did, in fact, exist at the time the citation was issued, that the condition did constitute a violation of Section(s) 151.14, 91.01(B)(D) of the Code of Ordinances of the City of Middlesboro, Kentucky, and that the condition was caused by, or was the responsibility of, the Respondent as owner, or person in charge, of the property on which the violation occurred.

The next Code Enforcement Board meeting is September 03, 2019 at 1:00 P.M. in Council Chambers at Middlesboro City Hall.

Conclusions of Law

The Board concludes, based on the foregoing Findings of Fact, the Respondent, Charles Albert York, has committed a violation of Section(s) 151.14, 91.01(B)(D) of the Code of Ordinances of the City of Middlesboro, Kentucky, as charged in the citation.

Final Order

Respondent, Charles Albert York, is hereby ordered to correct the violation(s) on or before 30 days from date of issue of Final Order. In the event that the violation(s) is not corrected on or before the date specified, then there shall be imposed against the Respondent a civil fine of \$120 per month from date of Final Order, and continuing each day, up to the maximum allowable fine for this offense, until the violation is corrected. The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is brought into compliance.

If Charles Albert York fails to comply within the time specified, a certified copy of this order, together with a Claim of Lien, shall be recorded in the Office of the County Clerk, and once recorded, along with all charges and fees incurred by the City in connection with enforcement, shall constitute a lien against the property upon which the violation exists, pursuant to KRS 65.8835. Pursuant to Chapter 151 of the Code of Ordinances of the City of Middlesboro, enforcement may be ordered, **including demolition**, as deemed necessary by the Code Enforcement Board. This lien may be foreclosed and the property sold to enforce the civil fine and all enforcement costs incurred by the City in connection with this matter.

Under KRS 65.8831, any final order issued by the Code Enforcement Board may be appealed to Bell County District Court. The appeal must be filed not later than thirty (30) from the date the Code Enforcement Board issues the final order.

DONE AND ORDERED THIS 16th day of AUGUST, 2019.

CODE ENFORCEMENT BOARD OF MIDDLESBORO, KENTUCKY

By: Jack Lewis

Chairman, Code Enforcement Board

I HEREBY CERTIFY that a true and accurate copy of the foregoing Findings of Fact, Conclusions of Law, and Final Order has been furnished by either hand delivery, or registered mail, to Respondent, Charles Albert York, on this the 16 day of August, 2019.

Sally C. Smith
Secretary, Code Enforcement Board

DOCUMENT NO: 180434
RECORDED: September 20, 2019 11:00:00 AM
TOTAL FEES: \$22.00
COUNTY CLERK: DEBBIE GAMBREL
DEPUTY CLERK: KAYLA CARNES
COUNTY: BELL COUNTY
BOOK: ENC56 PAGES: 326 - 331