

Law Office of
Alexander L. Palenzuela, P.A.
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Miami, FL 33131-3298
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alp@alp-law.com

April 8, 2021

***Posted at the Property and
Sent via First Class Mail and
via email to markalankaye@gmail.com***

Estate of Audrey Kaye
c/o Mark Alan Kaye
Purported Personal Representative
4616 NW 107th Ave., Apt. 2104
Doral, FL 33178-4316

Re: Notice of violations and further enforcement action regarding real property located at 1129 Sevilla Avenue, Coral Gables, FL 33134-6330 ("Property")

Dear Mr. Kaye:

This office represents the City of Coral Gables, Florida ("City"). You are the purported Personal Representative of the Estate of Audrey Kaye (hereinafter referred to as "You"), which is listed as the owner of the Property in the office of the Property Appraiser of Miami-Dade County.

As such, the City has brought or is bringing code enforcement actions against you for failure to maintain the Property. In spite of the City's efforts, the Property remains in violation of the City Code and constitutes a public nuisance. Specifically, the Property is in violation of the City Code for reasons including, but not limited to, those set forth in the list of violations attached to the attached cease and desist letter ("Violations").

You are hereby notified that the City will file a lawsuit or otherwise pursue further enforcement action, which may include any or all of the following: 1) an injunction requiring that the responsible parties maintain the Property in compliance with the City Code; 2) the appointment of a receiver at the expense of the responsible parties; 3) foreclosure on the City's code enforcement and special assessments liens, if any; 4) forfeiture pursuant to applicable law; 5) the issuance of a code enforcement citation imposing a fine of \$500 per day, as stated in the attached cease and desist letter, pursuant to §§ 2-252 (e)(11) and 2-254 of the City Code; or 6) an unsafe structures proceeding, as applicable. Please be advised that the City's code enforcement liens attach to all non-exempt real and personal property of the violator(s) named in the code enforcement order and that the City will seek its attorneys' fees and costs.

Since the violations pertain to the failure to maintain a structure that is historically significant and which is likely to be designated historic, please be advised that:

- **You may be subject to substantial fines that may not be mitigated.**
- **You may also be required to repair or restore the historic structure.**
- **If the historic structure is allowed to deteriorate to the point where it must be demolished:**

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- - **the City Code requires that you replace the structure with a similar historically-appropriate structure; and**
 - **the property will no longer qualify for an historic preservation tax exemption.**

Since you informed me that you wish to bring this property into compliance voluntarily and possibly avoid further enforcement action, you must contact me within seven days of the date of this letter. Please provide a plan of action and a timeline, including how you intend to obtain any necessary development approvals and commence and complete the work to correct the Violations.

Please govern yourself accordingly.

Very truly yours,



Alexander L. Palenzuela

cc: Miriam Soler Ramos
City Attorney
City of Coral Gables

THE CITY OF CORAL GABLES



The City Beautiful

OFFICE OF
THE CITY ATTORNEY

CITY HALL 405 BILTMORE WAY
CORAL GABLES, FLORIDA 33134

April 7, 2021

***Posted at the Property and
Sent via First Class Mail and
via email to markalankaye@gmail.com***

Estate of Audrey Kaye
c/o Mark Alan Kaye
Purported Personal Representative
4616 NW 107th Ave., Apt. 2104
Doral, FL 33178-4316

**Re: Cease and desist demand regarding violations of the City Code at the premises
located at 1129 Sevilla Avenue, Coral Gables, FL 33134-6330 ("Property")**

Dear Mr. Kaye:

This office represents the City of Coral Gables ("City"). You are hereby notified, as set forth below, that, as the Estate of Audrey Kaye, as owner of the Property (hereinafter referred to as "You"), is in violation of the City Code and other applicable law for failure to register and maintain a single-family home and accessory structure that are historically significant and likely to be designated as historic (collectively referred to as "Structure") on the Property that is vacant and has violations of the City Code.

Violations of the City Code

An inspection of the premises and review of City records, conducted on or about March 15, 2021, revealed that you committed the violations of the City Code set forth in the attached List of Violations ("Violations").

In order to correct these Violations, you must take the corrective action described in the attached List of Violations, within seven days of the date of this letter.

Cease and Desist Order

In light of the Violations, we hereby demand, pursuant to §§ 2-252(e)(11) and 2-254 of the City Code, that you correct all of the above-described violations within seven days of the date of this letter. Failure to comply with this cease and desist letter shall result in the issuance of an additional code enforcement citation punishable by a fine of \$500 per day.

Please note that, if you do not correct the Violations, the City will have no choice but to pursue further enforcement action, which may also include, but is not limited to, corrective action,

Mr. Mark Alan Kaye
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including an action for a court injunction, the appointment of a receiver, or forfeiture; additional code enforcement actions, fines, and liens, including assessment liens; and foreclosure on any City liens; including any applicable attorneys' fees and costs. Please contact me no later than seven days of the date of this letter, to confirm that you will correct the remaining violations.

Nothing herein is intended to be a waiver of any of the City's rights and remedies which are expressly reserved, including, but not limited to, the right to issue citations for violations of additional provisions of the City Code.

Sincerely,



Cristina M. Suárez
Deputy City Attorney and
City Prosecutor

cc: Miriam Soler Ramos, City Attorney
Devin Cejas, Assistant Development Services Director
Suramy Cabrera, Development Services Director
Eduardo Santamaria, Assistant City Manager

List of Violations for 1129 Sevilla Ave

	Code Section	Description of Violation	Corrective Action Required
1.	Sections 34-202 and 34-203 of the City Code	Failure to maintain (as set forth herein) and register vacant Property	Register the Property and apply for, obtain, and pass final inspection on all required permits to maintain the Property or occupy the Property
2.	Sections 224, 226, 227, 248, 250, 255, 275, 278, and 280 of Chapter 105, Minimum Housing Code, of the City Code	<u>As to the garage:</u> Failure to maintain an accessory structure by allowing: termite infestation; the roof to collapse and for the structure to fall into disrepair, creating a hazard; an accumulation of trash and debris in the structure; cracks and loose plaster on the walls	Tent and fumigate the structure to remove the termite infestation; remove all trash and debris and apply for, obtain, and pass final inspection on color pallet approval to paint the Structure and building permits for the repairs, as required
3.	Sections 224, 250, 255, 278, 279, and 280 of Chapter 105, Minimum Housing Code, of the City Code	<u>As to the single-family home:</u> Failure to maintain the structure by allowing: termite infestation; roof leaks; an accumulation of trash and debris in the structure; cracks and loose plaster to fall from the ceiling and walls; the exterior walls, walkway, front door, chimney, and concrete ribbons to become dirty or cracked; driveway approach to become pitted	Tent and fumigate the structure to remove the termite infestation; remove all trash and debris and apply for, obtain, and pass final inspection on color pallet approval to paint the Structure and building permits for the repairs, as required