



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Jeff Stehman, Building and Zoning Supervisor

Date: November 23, 2004

Subject: Resolution authorizing the Mayor to enter into a contract with Mississippi River Construction for demolition of property located at 120-122 Carbon Hill Road.

List of committees that have reviewed: The Community Development Committee reviewed the demolition request and resolution and unanimously recommends approval.

Background: We are currently in the process of trying to abate a serious public health and safety concern that exists at 120-122 Carbon Hill Road. The structures located on that lot are a single family residential structure, a mobile home and a wood frame two car garage. The structures are filled with trash and debris.

This has been on our Property Maintenance Enforcement list for quite some time due to the fact that the owner has been impossible to contact and there is no one assuming any interest in the property. Our staff and the City Attorney have pursued every avenue to get this resolved and recently have been in the process of obtaining a court order for demolition. This situation took a dramatic turn for the worse in August 26, when there was a fire in the rear portion of the structure. It was an apparent arson because it has no electric or gas connected. Since the fire there is no practical way to secure the structure and it allows entry in numerous locations, creating an attractive nuisance to neighborhood children and a place that can breed many sorts of serious crime. If the structure is burned again, it poses a life safety threat to all emergency responders.

We were faced with no other option other than seeking an emergency demolition, pursuant to Section 11-31-1 of the Illinois Municipal Code, 65 ILCS 5/11-31-1. On October 11, the City Attorney obtained a court order for the demolition. We have received two quotes to demolish and remove the structures and fill and seed the area, the quotes are for \$9000 and \$9700. To this date we also have accrued approximately \$1700 in legal fees. I would like to request that we obtain approval for this emergency expenditure as soon as possible so we can schedule the contractor to proceed with the demolition. I have attached a copy of the court order, the invoice for legal fees to date, the demolition quotes and photos of the property as it now stands.

The city will attach a lien on the property, for the accrued abatements (clean up and grass cutting), legal costs and the demolition, immediately after the demolition. State statute allows local government entities to foreclose on demolitions after 90 days from the date of the lien. We will be pursuing that course of action due to the fact that the owner has not come forward

yet, so we can safely assume after the demolition, no effort will be made to satisfy the lien. After foreclosure, the city will take possession of the property and it can be sold to recover our cost. We are confident that the sale of the property will at least cover all costs incurred.

Legal Considerations, if any: City Attorney has obtained court order for demolition

Budget Impact: This emergency expenditure was not budgeted.

Staff recommendation: Approval.