



## 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:** February 14, 2007

**Subject:** Resolution authorizing the Mayor to enter into a contract with Mertzke Trucking and Excavating for demolition of properties located at 102 E. State and 117 Main St.

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

**Background:** We have been working on code enforcement issues on two properties, (1) Clark Station at 102 E. State, and (2) a single family structure and two accessory structures located at 117 Main St. Our staff and the City Attorney have pursued every avenue over the last several years to get the property maintenance violations abated through numerous attempts to obtain the owners' compliance. Unfortunately, both owners failed to make any attempt at complying with the City's ordinances, so at this point we are faced with no other option than to enforce an emergency demolition order from the courts.

Pursuant to Chapter 65, Section 5/11-31-1 of the Illinois Compiled Statutes, City Attorney Funk obtained a court order for demolition of both properties due to their deteriorating condition, which pose threats to the public health, safety and welfare of the general public. There has been no response from either owners or mortgage holders, and no attempt has been made to maintain the property or abate the numerous violations.

The old Clark Station property has been abandoned for many years, and the company has been in receivership. With the owner moving out of the area, they left many properties like this all over the metropolitan area. The demolition for this property will include the building, canopy and pump islands. The concrete slab will remain, as will the fuel tanks. The abatement process on the tanks and any associated contamination issues will have to be addressed at a later date. We have met with the Illinois EPA regarding this issue.

The property at 117 Main St. has had numerous property maintenance violations since even before the owner moved out and abandoned the property. It reached a point where we have had to go onto the property to haul off trash and debris and cut the grass and weeds. We worked with the owner on some of the issues, but she was eventually unable to financially afford to maintain it at all. We spent between \$500 and \$1000 already on exterior maintenance, with the bulk coming from tree limb and yard cleanup in January. The structures are unsafe and past the point where they can be rehabilitated.

We obtained two demolition quotes on each property. The low bid for the Clark Station is \$4500 and 117 Main is \$5200. We have also already incurred approximately \$2500 in legal fees for each

property to obtain the demolition orders. There will be on going maintenance and legal fees until the properties are sold or foreclosed on.

Once both properties are demolished we will place a lien on the properties, with our lien being superior to all prior existing liens and encumbrances on the real estate. If the liens are not satisfied within a 180 period, pursuant the state statute, we will foreclose on the lien and obtain ownership of the properties through the courts. We do not anticipate any effort to satisfy those liens due to the fact that there has been no effort made by the owners to this point. As in previous demolitions, we are confident that the sale of the properties will allow us to recover our expenditures.

We are requesting an emergency appropriation of \$15,000 to cover demolition and legal costs associated with this action on both properties. Our abatement budget of \$5000 is for typical abatements to cover minor issues throughout the year, but it was never intended to cover extraordinary costs such as emergency demolitions.

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

**Budget Impact:** This emergency expenditure was not budgeted, and is proposed in the amount of \$15,000.

**Staff recommendation:** Approval.