



**CITY COUNCIL AGENDA ITEM**

**To:** Mayor Graham and City Council

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

**Date:** October 15, 2012

**Subject:** Acquisition of Property – 401 E. Adams

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**List of committees that have reviewed:** No committees have reviewed this item.

**Background:** The above listed property has fallen into disrepair over the last 10 years. While the lot has been maintained, the house itself began to deteriorate to the point that there were substantial roof leaks, the brick veneer was beginning to fall off and numerous other Property Maintenance Code violations. We had received complaints on the property and had sent property maintenance violation letters to the owner, in care of her daughter. We were contacted by the family and informed of the following:

- The owner, Marcella Lysakowski, had passed away over 10 years ago.
- There are 2 sons and 1 daughter that live in the area and the daughter is managing the property.
- There has never been an estate opened, and will not be, after her death because there are no assets, other than the house, and the property has a lien on it.
- The lien was placed on the property by the Illinois Department of Healthcare and Family Services, due to the fact that she was in a nursing home for an extended period of time and the property was her only asset.
- The family has no interest in the property and there is no money to make improvements or demolish.
- They cannot sell the property because of the lien, which is likely more than the property would sell for in its present condition.

After discussions with the City Attorney, the Illinois Dept. of Healthcare and Family Services and meetings with the family representative, we have proposed the following agreement;

- The City will assume ownership of the property through a Quit Claim Deed.
- The Illinois Dept. of Healthcare and Family Services has agreed to release the lien on the property if the City takes possession for the purpose of cleaning up the property
- The City, after receiving deed to the property, will demolish the house and prepare the lot for sale.
- The City will then sell the lot to recover demolition costs, attorney's fees and any associated costs.

**Legal Considerations, if any:** City attorney has handled all title work, negotiations with the family and prepared the contract.

**Budget Impact:** None at this time, but when we are ready to demolish the house there will be about a \$10,000 cost which will be recovered after lot is sold.

**Staff Review:** The staff recommends approval of this land acquisition for the following reasons:

1. The property is actually not owned by anyone now that can be forced to abate the property maintenance code violations.
2. The only way that the Illinois Dept. of Healthcare and Family services will release the lien without payment is if the City acquires the property.