



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: June 17, 2013
Subject: Acquisition of Abandoned Property – 114 Carbon Hill Road (RESOLUTION)

List of committees that have reviewed: The Community Development Committee at the June 10, 2013 meeting voted 6-0 to recommend approval of the acquisition of abandoned property to the full Council.

Background:

The above listed property has fallen into disrepair over the last 3 years. The lot was being maintained, but whoever was doing that stopped several years ago. The owners have been deceased for several years and there has never been an estate opened after their death and there are no assets other than the property. The house itself began to deteriorate to the point that there was substantial roof damage and leaks, the exterior property became overgrown with trees, the accessory structure in the rear yard began to collapse, a tree has now fallen on the house and entry can be made to the house.

During that time our office has made every possible effort to force the owner or responsible party to abate the violations. The City Attorney began to pursue this through legal remedies with limited success. Through their attorney, he was finally able to get the heirs to the deceased owners to relinquish ownership rights to the property. We are proposing that the City,

- Take ownership of the property
- Pay the outstanding overdue property taxes of \$4513.64
- Pay the 2012 property taxes when due
- Demolish the property and clean up the lot
- Put property up for sale as soon as abatement is completed to recover costs

If the City does not take this action, we would have to petition the court for a demolition order, demolish the house and then file a lien on the property and then after 6 months has passed, we would have to foreclose on our lien. At that time we would receive ownership. In that scenario, we would still have to pay outstanding property taxes. That course of action would take more time and would incur significantly more in legal expenses.

Legal Considerations, if any: None.

Budget Impact: Funds have been budgeted for the demolition, but not for the payment of property taxes.

Staff Recommendation: Staff recommends approval of the acquisition of abandoned property.