

ABANDONED PROPERTY FOCUS GROUP

Meeting Discussion Topics February 8, 2023

1. **Overview of Process** (See Attachment A)
2. **Status of Existing Projects**
 - a. **122 Cherry Street, Compton**
 - b. **2500 W. Fourth Street, Dixon**
 - i. *The consensus of the FG was to proceed with the demolition (\$5,900) and well capping (\$3,133.70) quotes.*
 - c. **Rte 30 and Rte 251 (20-11-14-400-007 & -008)**
 - i. *Currently moving through the legal process seeking approval/authority to mitigate the unsafe conditions*

3. Summary of Expenses

ARPA Fund Allocation \$100,000

Property	Total Expenses
122 Cherry St, Compton	\$ 19,919.31
2500 W. 4th St, Dixon	\$ 16,767.70
IL 251 & IL 30	\$ -
Total	<u>\$ 36,687.01</u>

Balance Remaining \$63,312.99

4. Other Properties

- a. **Lee Center School (11-16-06-329-007)**
- b. **907 N. First Street, Ashton (03-04-27-326-006) (Tire cleanup only)**
 - i. *The consensus of the FG was to seek information from David Anderson on the process/cost of holding a tire recycling event. If that is feasible, the FG may be interested in partnering with the Village of Ashton to remove the tires. The FG agreed in the absence of assistance from Ashton, Lee County would not take responsibility solely for the removal of the abandoned tires. It was also suggested that perhaps we seek contractors that will remove the tires and repurpose them. All options would require permission from the property owner first – in the absence of legal authority.*

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5. Next Steps

- a. **Confirm Focus Group's objectives** (*Done; See Process Overview attachment*)
- b. **Identify any applicable timeline/deadlines** (*none*)
- c. **Establish goals to meet objectives within the deadline** (*Not applicable*)
- d. **Identify other stakeholders that may need to be included in the process**
 - i. *State's Attorney, Sheriff, LCHD, Zoning, Fire Departments*
- e. **Contact other stakeholders to update abandoned property list; Use priority matrix chart to identify the highest priority properties**
- f. **Pro-actively pursue other sources of funding, such as grants**
- g. **Establish process for Reporting to Public Safety Committee/Board**
 - i. *Focus Group will report monthly to Public Safety on activities including status of pending properties and summary of remaining funds. Any requests for additional funding (above the \$100,000 already approved) or grant application requests will be presented to the Finance Committee and Full Board.*
- h. **Set meeting schedule**
 - i. *The FG agreed to meet monthly on the Tuesday prior to Board Committee week for the foreseeable future.*

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ATTACHMENT A Overview of Process

Overall Program Goals

- Mitigate unsafe, abandoned properties located in the unincorporated areas of Lee County allowed by the budgeted allocation
- Encourage property owner to address issue whenever possible
- Seek financial reimbursement of costs, including grants, whenever possible
- Minimize liability risk to the County to the extent possible
- Avoid the liability and responsibility of property ownership that is incompatible with Lee County Government
 - Transfer to another government entity
 - Transfer/sell to a private owner

Applicable Codes

- Illinois Counties Code: 55 ILCS 5/5-1121 Demolition, Repair, Enclosure
 - For unincorporated area of County and upon Request of a township, or
 - For incorporated areas (if county has adopted a Health Department), or
 - Any property that meets requirements of the “Abandoned Housing Rehabilitation Act”
 - May petition the court to have property declared abandoned if:
 1. Property that has been tax delinquent for 2 years or more
 2. Property is unoccupied by persons legally in possession; AND
 3. The property’s condition impairs the public health, safety, or welfare
- 310 ILCS 50/ Abandoned Housing Rehabilitation Act
 - Unoccupied, residential property which is a public nuisance
 - Must be rehabilitated

Prioritize Properties

- Considerations:
 - Is it outside of a municipality?
 - What is the likelihood the owner can/will respond to the issue?
 - Has the property been tax delinquent for 2 years or more
 - Is the property unoccupied; if so, for how long?
 - Are the utilities shut off?
 - Does it pose an immediate risk to life, health, or other property?
 - Is it likely to contribute to disease or vagrancy?
 - Does its location increase the likelihood of unlawful entry, in particular, by children?
 - Does the property tend to attract persons with criminal intent, or other activities which would constitute a public nuisance?

Mitigation Options

- Issue letter to property owners from S/A to demand mitigation of unsafe property

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- Post property as uninhabitable (LCHD)
- Secure the property (only)
- Purchase via the Joseph E. Meyer tax auction
- Pursue judicial authority to mitigate safety hazard
 - Lien property to recover costs of mitigation
- Pursue judicial deed
 - Sell property to recover mitigation costs
 - a) If cost effective
 - Transfer property via quit-claim deed to another government body
 - a) If not cost effective to list/auction/sell
 - b) Eliminates the need for long-term maintenance

Legal Process

- File Petition for Abandonment with Circuit Court
 - Send notice to owner
 - If unable to be served through personal service of summons, service by publication
- File Motion for Default
 - At least 30 days following notification of Petition of Abandonment (via personal service or publication)
 - Requesting;
 - All Respondents found to be in default
 - Lee County be authorized to demolish deserted structure
 - Declare Property abandoned
 - Authority to place a lien on the property for costs
- Upon Default Judgement Order by 15th Judicial Court
 - Notification of all Respondents of Default Judgement
- Motion for Judicial Deed (upon expiration of Notice Period)

Administrative Process

- County Administrator facilitates overall process
 - Tracks remaining budget (\$100,000 ARPA allocation)
- Collaborates with LCHD, Zoning Department, S/A Office, County Board, and Focus Group to identify and prioritize eligible properties
 - Focus Group Representative reports to Public Safety Committee
- Public Safety Committee makes recommendations to Finance, Full Board on additional funding if necessary.