TO: Mayor Shaun Sipma
Members of the City Council

FROM: John R. Zakian, DR Grant Program Manager & Chief Resilience Officer

DATE: April 10, 2021

SUBJECT: AUTHORIZE EVICTION PROCEEDINGS FOR AN INDIVIDUAL ILLEGALLY IN A CITY OWNED HOUSE

I. RECOMMENDED ACTION

City Council authorize outside counsel to commence legal actions to cause someone illegally staying in a City acquired flood buyout property to leave the property.

II. DEPARTMENT CONTACT PERSONS

John R. Zakian, DR Program Manager & Chief Resilience Officer, 420-4528

III. DESCRIPTION

A. Background
City staff the week of April 4, 2021 while conducting a standard pre-demolition house inspection for a property acquired through Eminent Domain for a flood control project that the owner of the house who had repeatedly evaded being served notice regarding the acquisition is, in fact, in the house and refusing to vacate. It has also been discovered that there is an unauthorized water line running into the house because the authorized and known water line had been shut off after the City was grant ownership. As part of the effort during the acquisition process to engage the owner, Deborah Luetzen, the City’s outside counsel engaged a private investigator to locate Ms. Luetzen to serve her with notice of pending Eminent Domain court proceeds but she eluded all attempts to contact her. Multiple certified mail letters were sent to her by the City in an attempt to initiate negotiations on a purchase price and none of the return receipts signed by her were ever received by the City. She was also sent standard letter notifications. As a result of her not availing herself of the opportunity to negotiate or appear in court, the court decided in favor of the City awarded ownership of the property to the City based on the City’s original purchase price. As is standard procedure, the City deposited the purchase price funds with the Court for its disposition. She did engage in conversation with the City staff acknowledging she was aware that the City had acquired the property claiming she was not going to voluntarily leave. She did allow the City personnel into the house to do the standard pre-demolition inspection.

B. Proposed Project
Despite her efforts to avoid the entire acquisition process, Ms. Luetzen remains eligible pursuant to the federal Uniform Relocation Act (URA) to receive relocation benefits paid through the CDBG-NDR/State Water Commission Match funds to help in moving. It is hoped that during this eviction process that she will realize the situation and understand she is eligible for the relocation benefits. Even if the City has to go through the actual eviction, Ms. Luetzen remains eligible for the relocation benefits but she will need to sign required documentation.
IV. IMPACT:

A. Strategic Impact:
   Flood buyout acquisitions are based on necessity to support planned flood control projects and to remain compliant with the rules governing such acquisitions it is necessary for the City to adhere to due diligence in being able clear all such properties acquired on a timely basis.

B. Service/Delivery Impact:
   City maintains consistency with the federal URA requirements including making available relocation benefit assistance even in such situations as an eviction.

C. Fiscal Impact:
   State Water Commission match funds, and/or CDBG-NDR will be used depending on basis of acquisition and location of structure.

V. ALTERNATIVES
   N/A

VI. TIME CONSTRAINTS
   NA

VII. LIST OF ATTACHMENT
   A. Copy of authorizing resolution