

May 16, 2006

## Demolition plans on track despite appeal threat

By: Edward Lewis

**WILKES-BARRE — The threat of an appeal looming over the \$3 million Hotel Sterling demolition project has not stopped progress.**

Alex Rogers, executive director of CityVest, the non-profit agency that owns the hotel complex, said demolition crews moved in equipment and installed a perimeter fence Monday.

"In light of the court order, we have commenced work," Rogers said. "Crews have begun mobilizing vehicles and equipment and putting up the fence. We are moving forward expeditiously."

Last Friday, Luzerne County President Judge Michael T. Conahan ruled the City of Wilkes-Barre and CityVest can use adjacent private property — a 120-space parking lot owned by Ali Kazimi — during demolition of the hotel's tower.

City Attorney William Vinsko and Rogers said the space on Kazimi's property is needed for equipment and to act as a safety perimeter.

Conahan ordered the city and CityVest to reimburse Kazimi for up to 60 parking spaces, pay for the relocation of a shed used by a parking lot attendant and to make reparations for any damage created during the demolition.

Attorney Jeffrey Yelen, Kazimi's lawyer, plans to challenge Conahan's ruling in state appellate court.

"We intend to appeal Judge Conahan's decision. The Wilkes-Barre ordinance is clear. The City and CityVest have no legal authority to forcefully take and use Mr. Kazimi's land during this demolition process," Yelen said. "You must show that there is a health and safety issue on adjacent property. All they've shown is a public risk on their own property. There is no hazard on Mr. Kazimi's property."

Yelen said he has the right to request that demolition be stopped when he files an appeal.

"Until the stay is issued, they have a right to go forward," Yelen said.

CityVest and Kazimi have been involved in a 14-month legal battle over ownership of Kazimi's parking lot accessible by North Franklin Street. The city intervened in March 2004 filing an eminent domain action against Kazimi to take the land for its fair market value.

Two separate property appraisals commissioned by CityVest previously valued Kazimi's parking lot at \$290,000 and \$224,000.

Yelen said Kazimi has conducted an appraisal and is in the process of finishing a second appraisal of the property. Yelen refused to release monetary figures claiming it's a private deal.

"They offered us what we believe is a low amount," Yelen said for the property.

Meanwhile, Rogers reiterated Monday that demolition of the tower needs to take place. He cautioned that the more time it takes to demolish the tower, the more money it may cost.

In March, CityVest announced that Chicago-based Brandenburg Demolition Services will raze the tower, a connector building, a detached utility building and a 150-foot smoke stack in late summer. Before demolition occurs, asbestos, mercury, lead paint and other hazardous materials need to be removed from the structures.

[elewis@citizensvoice.com](mailto:elewis@citizensvoice.com)