

## Residents Want Compensation

# Love Creek Appeal Hearing Thursday

By Denise Siebenthal  
Sentinel Staff Writer

"The total retail value of Love Creek is \$3.5 million or about the same amount of money that Ronald Reagan spent on his Caribbean vacation."

That's how Gerald DeLany, a refugee of the Love Creek area of Ben Lomond, sums up his feelings about being ordered out of his home by the county without any compensation due to the threat of another landslide.

A massive slide hit the area of the Santa Cruz Mountains on Jan. 4, destroying 10 homes and killing as many residents.

DeLany and his wife, Sheila, believe the government — be it county, state or federal — should pay the Love Creek property owners who have been ordered out of their homes.

The DeLanys are among a group of owners of 20 Love Creek homes appealing the county's order to abate their homes. While their mountain residences were untouched by the killer slide, they were ordered by County Building Official Kris Schenk to abate their homes due to the danger of another slide.

This potential slide was documented in an assessment done by the Army Corps of Engineers of the Love Creek area in March.

The appeals will be heard before the county Appeals Board Thursday beginning at 7:30 p.m. in room 400N of the County Center.

Last April, the county Board of Supervisors directed Schenk to order the abatement of 28 Love Creek homes. The owners were told to demolish or move their homes or appeal the order within 30 days.

Owners of 20 homes decided to appeal. Of the remaining eight homes, one was destroyed by fire, one has been issued a demolition permit, two have moving permits and the owners of the remaining four haven't contacted the county — opening the way for the county to destroy the homes.

The Delanys, like most of those appealing, don't want to move back. They acknowledge the area is unsafe, but want to be paid for the home and land they had to leave.

"It's just not right to take away people's homes and lands and leave them with nothing," Sheila DeLany stated. "If we had been given equivalent land by the county . . . it would have been a different story. If people go out and do that on the street, it's called theft."

The DeLanys, parents of one child and owners of the Blind Pilot jewelry store in Boulder Creek, currently are renting a home. They want approximately \$140,000 for their home in Love Creek to pay off the loan they will have to get to buy a piece of land and build a new home.

They lived in Love Creek for nine years and were just a few years away from paying off the mortgage on their home there.

"Now I'll be 72 years old before the loan on our new home is paid off and I think that sucks," DeLany said, contemplating the situation if he receives no compensation for his Love Creek home.

Theresa Watson is another displaced former Love Creek resident who believes some level of government should come up with the money to compensate the Love Creek residents.

"I think it's immoral, unethical and a shame to tell us to move out of our home and not pay us for it," she said.

"It's not just the county government, but the state and federal government as well. It keeps going up and up."

"The government is thinking of forgiving the Polish debt, of giving aide to El Salvador and to the Israelis and here are only 28 of us who are American citizens who have paid taxes and who are getting nothing."

She and her husband, Chet, have no desire to move back into their Love Creek home. They just want money from the government to help pay for the new home they bought in Boulder Creek with the help of savings, a Small Business Administration loan and money from their parents.

"The payments here are \$900 a month and in Love Creek we were only paying \$120," she pointed out.

Kate Klein and her friend, Terry McMahon, were two Love Creek residents who were hoping to move back into the home that Klein's family has owned for years.

But as the months have gone by, Klein says she has given up hope of ever moving back into the home where she vacationed as a child and where she's lived permanently for the past 10 years.

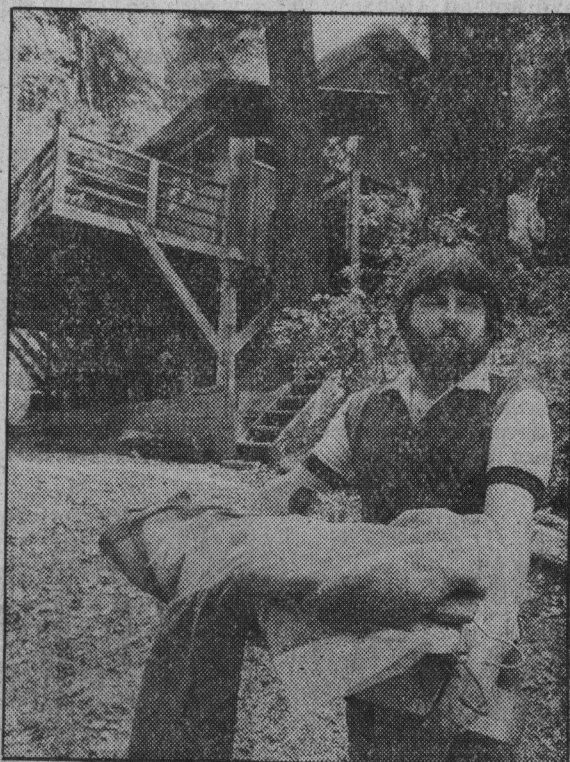
"I gave up the idea of moving back up there about two months ago when I realized how long it will take to fight this and that I couldn't live in the house while waiting. It's not even reached the courts yet," she stated.

The DeLanys, the Watsons and Klein are among a group of Love Creek residents who, besides appealing the abatement orders, have filed claims against the county for damages. Once the claims are denied by the county, a matter of routine, the next step is for the residents to take the matter to court.

The appeal process goes much the same way. If the Appeals Board denies the appeals, then the residents can appeal to the Board of Supervisors. If supervisors deny the appeals, then the next step is to go to court for compensation.

One set of appeal forms provided to Love Creek residents by their attorney states that the county ought to test the mountainside more thoroughly before deciding on abatement. And if these further studies show the land is unstable, these residents are requesting the county condemn the land.

"Rather than abatement, the county should proceed by condemnation to acquire our property. The county's actions in failing to warn of the known dangers . . . have contributed greatly to the problem," the residents stated in their formal appeals.



Dan Coyro/Sentinel

Chet Watson carries out belongings

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