

RESOLUTION NO 1059

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT ROHRER HEIGHTS BLK 1 OSAWATOMIE, LTS 1-3 BLK 1 ROHRER HTS SECTION 10 TOWNSHIP 18 RANGE 22, IN THE CITY OF OSAWATOMIE, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AND REFERRED TO AS **127 ROHRER HEIGHTS**, OSAWATOMIE, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Osawatomie, Kansas, did on the 25th day of August, 2022, file with the Governing Body of said City a statement in writing that a certain structure, hereinafter described was abandoned or unsafe and dangerous; and

WHEREAS, the Governing Body did by Resolution No.1042, dated the 25th day of August, 2022 fix the time and place of a hearing at which the owner, his or her agent, and lienholders, any occupants and all other parties in interest of such structure would appear and show cause why such structure should not be condemned and ordered repaired or demolished and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 1042 was published in the official City newspaper on the 31st day of August, 2022, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 13th day of October, 2022, the Governing Body did conduct the hearing scheduled in Resolution No.1042 and took evidence from the following: The Enforcing Officer on behalf of the City (Ed Beaudry). The following party did appear to present evidence: Jennifer McMahon on behalf of Charles Johnson, the owner.

WHEREAS, on the 27th day of October, 2022, the Governing Body provided direction to the owners 127 Rohrer Heights through the following motion which stated,

Motion made by LaDuex, seconded by Wright to set aside consideration of Resolution 1059 until March 9, 2023 with the property owner given these conditions to be achieved by these dates – 1) an Irrevocable Letter of Credit to be given to the city by November 10, 2022 in the amount of \$15,000, 2) All Real Property taxes must be current by December 31, 2022 on the property located at 127 Rohrer Heights, 3) An Occupancy permit to be issued no later than March 1, 2023. Yeas: All.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY

OF OSAWATOMIE, KANSAS, THAT:

1. The Governing Body hereby finds that the structure located at ROHRER HEIGHTS BLK 1 OSAWATOMIE, LTS 1-3 BLK 1 ROHRER HTS SECTION 10 TOWNSHIP 18 RANGE 22, in the City of Osawatome, Miami County, Kansas, commonly known and referred to as **127 Rohrer Heights**, Osawatome, Kansas, is unsafe and dangerous based on the following findings:

- a. The structure is dilapidated and in need of immediate repair.
- b. Unsafe Structure
- c. Missing and or damaged Shingles
- d. Rotten or damaged facia, and/or soffit.
- e. Damaged or missing gutter drain.
- f. Damaged and or rotten door sash
- g. Rotten window sash
- h. Unknown interior damage.
- i. Unmaintained weeds, trees
- j. Accessory Structure damage
- k. Damaged and/or Missing, Dangerous fence
- l. Damaged or faulty brick on front porch
- m. Possible rodent infestation

2. The owner of such structure is hereby directed to commence the removal of the property within 14 days from the date of publication of this resolution (not later than the 29th day of March, 2023), and to have the removal completed within 30 days of the commencement. Provided, that upon due application by the owner and for good cause shown, the Governing Body, in its sole discretion, may grant the owner additional time to complete the removal of the property.

3. If the owner fails to commence the removal of the structure within the time stated herein, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed and the costs of razing and removing, less salvage if any, shall be paid by the irrevocable letter of credit already provided to the city.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official city paper and a copy mailed to the owners, agents, lienholders, occupants and other parties of interest.

PASSED AND ADOPTED by the Governing Body of the City of Osawatome, Kansas this 9th day of March, 2023, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson, Mayor

(SEAL)

ATTEST:

Tammy Seamands
City Clerk