

RESOLUTION NO 1060

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT OSAWATOMIE, BLOCK 20, Lot 8, LT 8 BLK 20 SECTION 11 TOWNSHIP 18 RANGE 22, IN THE CITY OF OSAWATOMIE, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AND REFERRED TO AS **727 LINCOLN AVENUE**, 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 not appear to present evidence: Brian Edwin & Ladawn Gay Klingensmith, the owners.

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, OSAWATOMIE, BLOCK 20, Lot 8, LT 8 BLK 20 SECTION 11 TOWNSHIP 18 RANGE 22, in the City of Osawatomie, Miami County, Kansas, commonly known and referred to as **727 LINCOLN AVENUE**, Osawatomie, Kansas, is unsafe and dangerous based on the following findings:

- a. Siding maintenance issues,
- b. Exterior siding issues,
- c. Window maintenance,
- d. Door(s) Maintenance,
- e. Fascia, soffit defects and overhangs,
- f. Roof defects,

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 24th day of November, 2022), 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 repair of the structure within the time stated herein, or any additional time granted by the Governing Body, 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 collected in the manner provided by K.S.A. 12-1755, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located or by both, all as provided by law.

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 Osawatomie, Kansas this 27th day of October, 2022, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson
Mayor

(SEAL)

ATTEST:

Tammy Seamands
City Clerk