

RESOLUTION NO 1194

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT, LT 20 BLK 91 ELLENSVILLE ADDN SECTION 11 TOWNSHIP 18 RANGE 22. IN THE CITY OF OSAWATOMIE, MIAMI COUNTY, KANSAS; COMMONLY KNOWN AND REFERRED TO AS **719 5TH ST.** 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 28th day of September, 2023, file with the Governing Body of said City a statement in writing that the certain structure, hereinafter described are either abandoned or unsafe and dangerous; and

WHEREAS, the Governing Body did by Resolution No. 1171, dated the 28th day of September, 2023 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. 1171 was published in the official City newspaper on the 4th & 11th day of October, 2023, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 14th day of December, 2022, the Governing Body did conduct the hearing scheduled in Resolution No. 1171 and took evidence from the following: The Enforcing Officer on behalf of the City (Keith Myers).

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, Lt 20 blk 91 Ellensville addn section 11 township 18 range 22. In the City of Osawatomie, Miami County, Kansas, commonly known and referred to as **719 5th St.**, Osawatomie, 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. Damaged front porch
 - d. Rotten or damaged facia, and/or soffit.
 - e. Damaged and or rotten/missing windows
 - f. Missing siding
 - g. Possible rodent infestation

2. The owner of such structure is hereby directed to complete the renovation or the removal of the property by July 1, 2024. Additionally, the Owner of this property shall: *1.) pay all back taxes and special assessments that are levied and outstanding against the property;* and *2.) deposit with the City Clerk, an irrevocable letter of credit naming the City of Osawatomie as the beneficiary and shall have an expiration date of not less than one year from the date of this Resolution's adoption to be used to pay for the demolition of the subject property.* If the subject property is brought to current building codes as adopted by the City of Osawatomie by July 1, 2024, the irrevocable letter of credit will be released by the City of Osawatomie.

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 14th day of December, 2023, a majority being in favor thereof.

APPROVED AND SIGNED by the Mayor.

Nick Hampson
Mayor

(SEAL)

ATTEST:

Tammy Seamands
City Clerk