

RESOLUTION NO. 386

A RESOLUTION FINDING THAT THE STRUCTURES LOCATED AT 535 W. MULBERRY STREET, CONSISTING OF BLOCK 2 IN HENDERSON'S ADDITION, DESCRIBED AS:

E/2 LTS 9-10; E/2 S/2 LT 11 EXC W10

IN THE CITY OF COLUMBUS, CHEROKEE COUNTY, KANSAS, IS UNSAFE AND DANGEROUS, AND DIRECTING THAT THE STRUCTURES BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Columbus, Kansas, did on the 21st day of April, 2008, file with the Governing Body of said City, a statement in writing that the structures, hereinafter described, are unsafe and dangerous.

WHEREAS, the Governing Body, did by Resolution No. 383, dated the 5th day of January, 2009, fix the time and place of a hearing at which the owner, her agent, and lienholders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered demolished and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 383 was published on the 8th day of January, 2009, and on the 15th day of January, 2009, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on this 2nd day of March, 2009, at 6:30 o'clock p.m., the Governing Body did conduct the hearing scheduled in Resolution No. 383 and took evidence from the following; the Enforcing Officer on behalf of the City. The following parties in interest failed to appear: David Lamp and Tiffany Lamp.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, THAT:

1. The Governing Body hereby finds that the structures located at:

Block 2 in Henderson Addition, E/2 LTS 9-10; E/2 S/2 LT 11 EXC W10

in the City of Columbus, Cherokee County, Kansas, and commonly known and referred to as 535 W. Mulberry Street, Columbus, Kansas, are unsafe and dangerous and directs that such structures are to be removed and the premises made safe and secure.

2. The owner of such structures is hereby directed to commence the removal of the structures within thirty (30) days from the date of this hearing, not later than April 2, 2009, and to complete the removal of the structures not later than April 2, 2009.

3. If the owner fails to complete the removal of the structures 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 structures 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. 12-1,1115, and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land upon which the structures is located or by both, all as provided by law.

BE IT FURTHER RESOLVED, that if the owner fails to commence the removal of the structures within the time provided herein or fails to diligently prosecute the same, the Governing Body may take such further action as it deems necessary to raze and remove the structures without further notice to the owner or other parties in interest.

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

Adopted this 16th day of March, 2009.


Harley McDaniel, Mayor

ATTEST:


Janice Blancett, City Clerk

(Seal)