

RESOLUTION NO. 24-1046

A RESOLUTION PURSUANT TO K.S.A. 12-1750, *ET SEQ.*, DECLARING A CERTAIN STRUCTURE WITHIN THE CITY OF OLATHE, KANSAS TO BE UNSAFE AND DANGEROUS, DIRECTING THAT SAID STRUCTURE BE REPAIRED OR REMOVED, AND ESTABLISHING A REASONABLE TIME WITHIN WHICH SUCH ACTION MUST BE COMMENCED, ALL IN ACCORDANCE WITH K.S.A. 12-1750, *ET SEQ.*, AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-1752, the Enforcing Officer filed a written statement with the Governing Body on July 12, 2024, describing the unsafe or dangerous conditions of the structure located at the property described below;

WHEREAS, at its July 16, 2024 regular meeting, the Governing Body of the City of Olathe, Kansas adopted Resolution No. 23-1033 setting a hearing for September 3, 2024, before the Governing Body of the City at 7:00 p.m., in the City Council Chamber of Olathe City Hall, at which time the owner, his agent, any lienholders of record, and any occupants of the structure located at the real property commonly known as 413 S. Cherry Street, Olathe, Johnson County, Kansas, the legal description of which is set forth in Section Two of this Resolution, may appear and show cause why such structure should not be condemned as unsafe or dangerous and ordered repaired or removed;

WHEREAS, in accordance with K.S.A. 12-1752, Resolution No. 23-1033 was published in the official newspaper on July 23, 2024, with a second publication date of July 30, 2024;

WHEREAS, in accordance with K.S.A. 12-1752, a copy of Resolution No. 24-1033 was mailed by certified mail to the owner of record of the subject property, the owner's agent, lienholders of record, and other known stakeholders within three (3) days of its first publication in the official newspaper;

WHEREAS, in accordance with K.S.A. 12-1752, at least thirty (30) days have elapsed between the publication of Resolution No. 24-1033 and the date of the September 3, 2024 hearing; and

WHEREAS, at its September 3, 2024 regular meeting, in accordance with K.S.A. 12-1750 *et seq.*, as amended, the Governing Body considered the structure at 413 S. Cherry Street.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: The above-stated recitals are incorporated herein by reference as if fully stated in this section.

SECTION TWO: The structure in question is a single-family detached house located on the real property commonly known as 413 S. Cherry Street, Olathe, Johnson County, Kansas with the legal description:

LOT 11 AND THE NORTH 20 FEET OF LOT 12, BLOCK 77, CITY OF OLATHE, JOHNSON COUNTY, KANSAS.

SECTION THREE: In accordance with K.S.A. 12-1750 *et seq.*, as amended, the Governing Body, having heard all evidence submitted by the owner of record, the owner's agent, any lienholder of record, any occupants having an interest in the structure, as well as evidence submitted by the Enforcing Officer, who filed the written statement as required by statute, hereby finds that the structure in question is unsafe and dangerous and hereby orders that said structure be repaired or removed and that the owner of record shall commence the repair by obtaining all required building permits or removal of said structure on or before October 3, 2024.

SECTION FOUR: Accordingly, pursuant to K.S.A. 12-1750 *et seq.*, as amended, the Governing Body hereby orders the owner of record of 413 S. Cherry Street either to repair the structure or to raze and remove said structure until the premises are made safe and secure and further orders that the owner of record must commence the repair or removal of said structure on or before October 3, 2024.

SECTION FIVE: If the owner of record fails to comply with Sections Three and Four of this Resolution, or fails thereafter to diligently prosecute the same until the work is completed and the premises are made safe and secure, the Governing Body hereby directs the Enforcing Officer to raze and remove the structure.

SECTION SIX: If the owner of record fails to comply with Sections Three and Four of this Resolution, or fails thereafter to diligently prosecute the same until the work is completed and the premises are made safe and secure and if such work subsequently is undertaken by the Enforcing Officer, then the Governing Body directs the Enforcing Officer, in accordance with K.S.A. 12-1750 *et seq.*, as amended, to keep an account of the costs of such work, to sell any salvage from the structure in question, and to apply any proceeds from those sales to the costs of razing and removing said structure and making the premises safe and secure. Any moneys that may be received from salvage that are in excess of the costs of razing and removing the structure to make the premises safe and secure, including the costs of publication and the costs of postage for mailing notices, shall, after the payment of those costs, be paid to the owner of the subject property.

SECTION SEVEN: If the owner of record fails to comply with Sections Three and Four of this Resolution, or fails thereafter to diligently prosecute the same until the work is completed and the premises are made safe and secure and if such work subsequently is undertaken by the Enforcing Officer and the costs of doing such exceed the moneys realized by any sale of salvage, then the Governing Body directs the Enforcing Officer to give notice to the owner of record of the total costs incurred by the

City, less any receipts for the sale of salvage. If those costs, if any, are not paid within thirty (30) days of the service of the notice, then the Governing Body directs City staff to collect such costs in the manner provided by K.S.A. 12-1,115 or to assess such costs as a special assessment against the real property, all in accordance with K.S.A. 12-1750 *et seq.*, as amended.

SECTION EIGHT: The City Clerk is directed to cause a copy of this Resolution to be published one (1) time in the official newspaper and to mail, by certified mail, copies of the Resolution to the owners, agents, lienholders of record, and any occupants of said structure within three (3) days after the publication of this Resolution, all in the manner provided by law.

ADOPTED by the Governing Body this 3rd day of September, 2024.

SIGNED by the Mayor this 4th day of September, 2024.

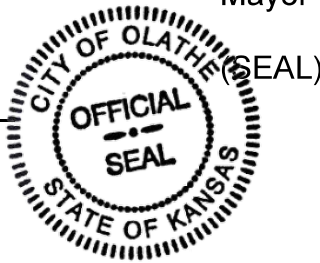

John W Bacon (Sep 4, 2024 10:07 CDT)

Mayor

ATTEST:



Assistant City Clerk



APPROVED AS TO FORM:


Ron Shaver (Sep 4, 2024 08:57 CDT)

City Attorney