

**RESOLUTION NO. 6885**

A RESOLUTION DECLARING CERTAIN STRUCTURES TO BE UNSAFE OR DANGEROUS, DIRECTING THAT SAID STRUCTURES BE REPAIRED OR REMOVED, AND FIXING A REASONABLE TIME WITHIN WHICH ACTION SHALL COMMENCE, ALL IN ACCORDANCE WITH K.S.A. 12-1750 ET SEQ., AS AMENDED AND CHAPTER 5, ARTICLE 11 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2009 EDITION AND AMENDMENTS THERETO.

WHEREAS, a hearing was held by the Governing Body, in accordance with the provisions of Resolution No. 6879 and K.S.A. 12-1750 *et seq.*, as amended and Chapter 5, Article 11 of the Code of the City of Lawrence, Kansas, 2009 Edition and amendments thereto, in the City Commission Room, on May 18, 2010, at which time and place the owner, the owner's agent, and lien holders of record and any occupant having an interest in the structures, located on the following premises in the City of Lawrence, Douglas County, Kansas, to-wit:

**STEELE'S SUB OF BLKS 6-8-9-10E ARL'S ADD BLK 8 LT 9 & N 15FT LOT 10 (UO2632 & 33 COMBINED 1988), commonly known as 1313 Haskell Avenue**

were free to appear and show cause why such structures should not be condemned and ordered repaired or demolished; and

WHEREAS, Resolution No. 6879 of the Governing Body of the City of Lawrence, Kansas, was first published on April 3, 2010 with a second publication of April 10, 2010; and

WHEREAS, pursuant to K.S.A. 12-1752, a copy of said Resolution No. 6879 was mailed by certified mail within three (3) days of its first publication to the owner of record of said structure; and

WHEREAS, pursuant to K.S.A. 12-1752 at least thirty (30) days have elapsed between the said publication of the said resolution and the date for the hearing.

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

Section 1. The above recitals are incorporated herein as if fully set forth.

Section 2. The structures for the purpose of this Resolution and as defined in K.S.A. 12-1750, is commonly located at 1313 Haskell Avenue Lawrence, Kansas 66044 and legally described as follows:

**STEELE'S SUB OF BLKS 6-8-9-10E ARL'S ADD BLK 8 LT 9 & N 15FT LOT 10 (UO2632 & 33 COMBINED 1988)**

Section 3. Pursuant to K.S.A. 12-1753, the Governing Body of the City of Lawrence, Kansas, has heard all evidence submitted by the owner, the owner's agent, lien holders of record and occupants having an interest in such structure, as well as evidence submitted by the enforcing officer who filed the written statement provided for by K.S.A. 12-1750 *et seq.*, as amended and further pursuant to Chapter 5, Article 11 of the Code of the City of Lawrence, Kansas, 2009, edition, and finds that the house and the accessory garage are unsafe or dangerous structures and orders all exterior and structural repairs or the removal of the structures to be completed by October 15, 2010. All work requiring a building permit will require a licensed contractor. In addition, the yard conditions shall be compliant with all applicable city codes. The following are the exterior and structural repairs and conditions that must be completed and corrected by October 15, 2010:

1. The front, side and rear yards shall be properly graded which will require the grade to slope 6 inches away from the foundation within 10 feet of the house foundation.
2. All open trenches will be required to be filled.
3. All yard areas should be either seeded or sod laid to prevent soil erosion.
4. The front, side and rear yards must be clear of all miscellaneous storage, debris and other items.
5. The front porch of the house must be constructed. A building permit and a licensed contractor will be required to complete the work.
6. All deteriorated areas of the porch roof must be repaired and painted.
7. All deteriorated areas of the eaves of the house must be repaired and painted.
8. The roof of the house must be repaired which will require the chimney chase opening to be properly framed and roofed. A licensed contractor will be required to perform the work.
9. All windows will be required to be fully operational which will require all boards to be removed and broken window panes to be replaced.
10. The garage must have all siding completed, the roof sheathing completed and the doors repaired. City Inspection Staff will inspect the framing of the garage to determine if there is additional framing that will be required. All additional framing work to the garage will require a building permit and a licensed contractor.
11. The house and the garage must be painted in their entirety.
12. Plans for the proposed rear retaining wall on the west side of the foundation will be required to be submitted on the building permit application. A licensed contractor may be required for the construction of the wall.
13. City Inspection Staff will need to verify the west wall of the basement is properly framed for load bearing capacity.
14. The west wall of the basement will be required to be sided.
15. City staff will need to verify the method of attachment of the house to the foundation to determine if such attachment is code compliant. If not compliant, City staff will require engineered approved attachments or an attachment device listed specifically for foundation attachment to be submitted for review.

Section 4. Pursuant to K.S.A. 12-1753, the Governing Body orders the property owner of such structure to initiate commencement of the removal of the house and accessory garage and orders that the premises be made safe and secure within the time period stated in Section 3 herein.

Section 5. Pursuant to K.S.A. 12-1753 and K.S.A. 12-1755, if the property owner fails to comply with Section 3 or Section 4 herein or fails to diligently prosecute the same until the work is completed, the Governing Body shall cause the house and accessory garage to be razed and removed as unsafe or dangerous structures.


Section 6. Pursuant to K.S.A. 12-1755, the City shall keep an account of the cost of such work and may sell salvage from the structures and apply the proceeds or any necessary portion thereof to pay the cost of removing such structures and making the premises safe and secure. All moneys from the salvage in excess of that necessary to pay demolition and removal costs and the cost of publications of notice and any postage for mailing of notice, shall, after payment of all costs, be paid to the owner of the premises upon which the structures are located.

Section 7. Pursuant to K.S.A. 12-1755, the City shall give notice to the owner of the structures of the total cost incurred by the City in removing such structures and making the premises safe and secure and the cost of providing notice. If the cost is not paid within 30 days following receipt of notice, the cost shall be collected in the manner provided by K.S.A. 12-1,115 or shall be assessed as a special assessment against the property, all pursuant to K.S.A. 12-1750 *et seq.* and amendments thereto.

Section 8. The City Clerk is hereby authorized to provide for the publication (1) one time, of this Resolution in the official newspaper of the City and shall mail by certified mail a copy to the owners, agents, and lien holders of record and occupants of said structure within three (3) days after the publication of the Resolution.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 1<sup>st</sup> day of June, 2010.

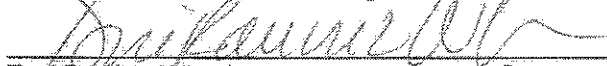
APPROVED:

  
\_\_\_\_\_  
Mike Amyx, Mayor

ATTEST:

  
\_\_\_\_\_  
Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Torri Ramirez Wheeler Date  
Director of Legal Services