

RESOLUTION NO. 7113

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, DECLARING CERTAIN STRUCTURES WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, TO BE UNSAFE AND DANGEROUS, DIRECTING THAT SAID STRUCTURES BE REPAIRED OR RAZED AND REMOVED, AND ESTABLISHING A REASONABLE TIME WITHIN WHICH SUCH ACTION SHALL COMMENCE, ALL IN ACCORDANCE WITH K.S.A. 12-1750, ET SEQ., AS AMENDED, AND CHAPTER V, ARTICLE 11 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2015 EDITION, AND AMENDMENTS THERETO.

WHEREAS, at its March 2, 2015, regular meeting, the Governing Body passed Resolution No. 7105, wherein it recited that, in accordance with the Unsafe and Dangerous Structures and Abandoned Property Act of 1961 ("the Act"), codified as amended at K.S.A. 12-1750 *et seq.*, and Chapter V, Article 11 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, the Enforcing Officer for the City of Lawrence, Kansas, had filed with the Governing Body a written statement averring that the structures located on that real property commonly known as 1231 Pennsylvania Street, Lawrence, Douglas County, Kansas, the legal description of which is set forth at Section 2, *infra*, are unsafe and dangerous;

WHEREAS, in Resolution No. 7105, in accordance with the Act, the Governing Body directed the owner, the owner's agent, any lienholder of record, and any occupant of said structures to appear before it in the City Commission Room, First Floor, 6 East 6th Street, Lawrence, Kansas, on April 21, 2015, at 5:45 p.m., to show cause why said structures should not be condemned and ordered repaired or razed and removed as unsafe and dangerous structures;

WHEREAS, in accordance with the Act, Resolution No. 7105 was published in the official newspaper on March 7, 2015, with a second publication date of March 14, 2015;

WHEREAS, in accordance with the K.S.A. 12-1752, a copy of Resolution No. 7105 was mailed by certified mail to the owner of record of the subject property within three days of its first publication in the official newspaper;

WHEREAS, in accordance with the K.S.A. 12-1752, at least thirty days have elapsed between the publication of Resolution No. 7105 and the date of the April 21, 2015, hearing; and

WHEREAS, at its April 21, 2015, regular meeting, in accordance with the Act, the Governing Body considered the structures at 1231 Pennsylvania Street.

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

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth herein in full.

SECTION 2. The structures in question, described as a one-story principal structure (house) and three accessory structures, are located on that real property, commonly known as 1231 Pennsylvania Street, Lawrence, Douglas County, Kansas, and bearing the following legal description, to-wit:

LOT 127 ON PENNSYLVANIA STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS.

SECTION 3. In accordance with K.S.A. 12-1753 and Chapter 5, Article 11 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, 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 structures, as well as evidence submitted by the Enforcing Officer, who filed the written statement as required by the Act, hereby finds that the structures in question are unsafe and dangerous and hereby orders that said structures be repaired or razed and removed and that the owner of record shall commence the repair or removal of said structures on or before July 22, 2015.

SECTION 4. Accordingly, pursuant to K.S.A. 12-753, the Governing Body hereby orders the owner of record of 1231 Pennsylvania Street either to repair the structures in question or to raze and remove said structures until the premises is made safe and secure and further orders that the owner of record shall commence the repair or removal of said structures on or before July 22, 2015.

SECTION 5. If the owner of record fails to comply with Sections 3 and 4, *supra*, the Governing Body hereby directs the owner of record, the owner's agent, any lienholder of record, and any occupants having an interest in the structures to appear before it in the City Commission Room, First Floor, 6 East 6th Street, Lawrence, Kansas, on August 4, 2015, to show cause why the Enforcing Officer should not be directed to raze and remove the structures.

SECTION 6. If the owner fails to comply with Sections 3 and 4, *supra*, and fails to show good cause why the work was not commenced on or before July 22, 2015, then the Governing Body may, at its August 4, 2015, regular meeting, direct the Enforcing Officer to prosecute the work until such is completed and the premises be made safe and secure. The Enforcing Officer shall, in accordance with K.S.A. 12-1755, keep an account of the costs of such work, sell any salvage from the structures in question, and apply any proceeds from those sales to the costs of razing and removing said structures 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 structures 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 7. If the owner fails to comply with Sections 3 and 4, *supra*, and fails to show good cause why the work was not commenced on or before July 22, 2015, then the Governing Body may, at its August 4, 2015, regular meeting, direct the Enforcing Officer to prosecute the work until such is completed and the premises be made safe and secure. The Enforcing Officer shall, in accordance with K.S.A. 12-1755, keep an account of the costs of such work, and if the costs of doing such work exceed the moneys realized by any sale of salvage, then the Governing Body may direct 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 days of the service of the notice, then the Governing Body may direct 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 the Act.

SECTION 8. The City Clerk shall publish this Resolution one (1) time in the official newspaper of the City and shall mail, by certified mail, copies of the Resolution to the owner of record, agents,

lienholder of record, and any occupants of said structures within three (3) days after the publication of this Resolution.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 21st day of April, 2015.

APPROVED:



Jeremy Farmer, Mayor

ATTEST:



Diane Trybom, Acting City Clerk

APPROVED AS TO FORM:



Toni R. Wheeler, City Attorney