

RESOLUTION NO. 2016-08

A RESOLUTION FOR THE GOVERNING BODY OF THE CITY OF ST JOHN, KANSAS.

WHEREAS, the governing body of the City of St. John, Kansas, is charged with the responsibility of enforcing Chapter IV, Article 5 of the City Code; and

WHEREAS, Chapter IV, Article 5 of the City Code provides the City with the authority to require or cause the repair, closing, demolition or removal of dangerous and unfit structures; and

WHEREAS, the Public Officer (Health Officer) has determined a dangerous or unfit structure exists on certain property in the City of St. John, Kansas described by its legal name: Lots Fifteen (15), Sixteen (16) and Seventeen (17), in Block Eight (8), of Kendall's Subdivision of a part of the Northwest Quarter (NW/4) of Section Four (4), in Township Twenty-four (24) South, of Range Thirteen (13) West of the 6th P.M.; and by its street address: 213 S. Broadway, St. John, Kansas, 67124.

WHEREAS, under Code Section 4-505 it is the right of the governing body upon receiving a report from the Public Officer to adopt a resolution fixing a time and place at which the owner, the owners' agent, any lien holder of record, and any occupant of any such structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished; and

WHEREAS, the governing body previously adopted Resolution No. 2016-05 determining that a hearing was to be held on May 3, 2016 at 7:00p.m. during the regular City Council meeting at which time the owner of the property described above and any, agent, lien holder of record, and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished; and

WHEREAS, said resolution was published once each week for two consecutive weeks on the same day of each week and that a copy of said resolution was mailed by certified mail within three days after its publication to each owner, agent, lien holder and occupant at the last known place of residence which notice was marked "deliver to addressee only"; and

WHEREAS, on May 3, 2016 at the regular City Council meeting a public hearing was held at which time the owner and any other interested party was given the opportunity to show cause why the structure should not be condemned and ordered repaired or demolished; and

WHEREAS, the Mayor called the public hearing to order and asked the City staff to present factual information supporting the City's position that the property in question, 213 S. Broadway, St. John, Kansas, has located on it dangerous and unfit structures as defined in Chapter IV 5, Section 4-502 of the City Code. City staff then presented an oral statement, copies of the inspection reports, photographs of the premises and generally described the conditions of the property to the City Council. The Mayor then inquired if the owner or any other individual interested in said property was present at the hearing and desired to speak. Robert Toot was present and provided information at the hearing.

WHEREAS, the City Council deliberated in a quasi-judicial discussion with respect to the property. The City Council declined to take action on May 3, 2016 and continued the public hearing until June 7, 2016 to allow the owners and interest holders of the property additional time to make the repairs that Mr. Toot discussed during the hearing.

WHEREAS, on June 7, 2016, at the regular City Council meeting a public hearing was held at which time the owner and any other interested party was given the opportunity to show cause why the structure should not be condemned and ordered repaired or demolished; and

WHEREAS, the Mayor called the public hearing to order and asked the City staff to present updated factual information supporting the City's position that the property in question, 213 S. Broadway, St. John, Kansas, has located on it dangerous and unfit structures as defined in Chapter IV, Section 4-502 of the City Code. City staff then presented an oral statement, copies of an updated inspection report, additional recent photographs of the premises and generally described the conditions of the property to the City Council. The Mayor then inquired if the owner or any other individual interested in said property was present at the hearing and desired to speak. Robert Toots again presented and provided information at the hearing. A member of the community and neighbor to the property in question, Jerry Munden, provided information at the hearing regarding the property.

THEREUPON, the City Council deliberated in a quasi-judicial discussion with respect to the property. In open session it was moved and seconded and unanimously passed that the City should find based upon the information received from the City staff that the conditions on the premises constitute a violation of Chapter IV, Section 501 *et seq*; that the owner has provided insufficient evidence or information to contradict the evidence of the City; that the City has attempted to obtain voluntary cooperation from the owner in rectifying the offending conditions but the owner has failed to timely respond and cooperate with the City and many areas of the property in question are exposed to the elements allowing, lower areas of the property are collecting rainwater and breeding insects, and are an attractive and dangerous nuisance to young children;

that the offending conditions existed at least since the original notice was sent to the owner and further efforts to resolve the matter amicably would be futile; that many of the problems related to the property in question require immediate attention and are an immediate hazard in the opinion of the City Council and city staff has been used to erect barricades to prevent access to part of the property; and the City file related to this property should be adopted by reference by the Council as part of its findings.

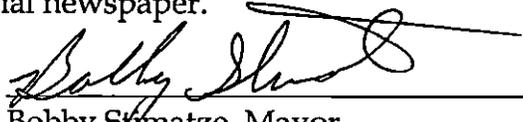
NOW, THEREFORE, be it resolved by the governing body that the violating structure or structures located on 213 S. Broadway, St. John, Kansas, shall be repaired or removed by the owner on or before the 19th day of July, 2016 and if the owner of such structure or structures fails to commence the repair or removal of such structure or structures within said time or fails to diligently prosecute the same until the work is completed the governing body will cause the structure to be razed and removed.

BE IT FURTHER RESOLVED, by the governing body that in the event the owner fails to comply with the forgoing resolution regarding the repair or removal of the offending structure or structures the enforcing officer may cause the structure or structures to be removed and demolished; and

BE IT FURTHER RESOLVED, that in the event the City is required to take action with respect to the offending structure or structures as a result of the failure of the owner to comply with this Resolution any costs incurred by the City shall be assessed and collected in accordance with Chapter IV, Section 4-511; and

BE IT FURTHER RESOLVED that this resolution shall be published once in the official City newspaper and a copy mailed to the owner, agents, lien holders of record and occupants in the same manner as provided for notice in Article IV, Section 4-507.

This Resolution is approved and adopted this 21st day of June, 2016, and it shall be effective upon publication in the official newspaper.



Bobby S. Matze, Mayor

ATTEST:



LADONA GARCIA, City Clerk