

RESOLUTION NO. 2016-09

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 dangerous or unfit structures exist 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 structures should not be condemned and ordered repaired or demolished; and

WHEREAS, after public hearings on May 3, 2016 and again on June 7, 2016, in open session, it was found 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*; and

WHEREAS, the owners of 213 S Broadway, St. John, Kansas were ordered by resolution, which was served on all interest owners, as described above, of the property and published in the St. John News, to commence repair or removal of the structures located on the property on or before the 19th day of July, 2016 and to prosecute repair or removal diligently; and

WHEREAS, at public hearing on July 19, 2016 City staff again presented evidence in the form of an oral presentation regarding the condition of the structures located at 213 S Broadway, St. John, Kansas, as of July 19, 2016; that the refrigerator was removed from the property along with a water heater but that the structures remained open to creatures and the issue of standing water in the basement of the residence had not been addressed and no progress had been made for repair or removal of the

structures located on the property. No interest owner of the property appeared to present contradicting testimony.

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 find that the interest owners of 213 S Broadway, St. John, Kansas have failed to comply with the order of the City to repair or remove the structures located on the property and the council recommended to City staff that the structures be removed or demolished and the costs for removal or demolition and any expenses in making the property safe be reported to the city clerk to be assessed against the interest owners of 213 S Broadway, St. John, Kansas.

NOW, THEREFORE, be it resolved by the governing body that the interest owners of 213 S. Broadway, St. John, Kansas failed to commence repair or removal of the offending structures by the 19th day of July 2016, and that 30 days have passed since the passage of the City's order and no appeal or injunction has been filed with the District Court of Stafford County; and

BE IT FURTHER RESOLVED, the City staff shall cause the offending structures to be removed or demolished; and

BE IT FURTHER RESOLVED, any costs incurred by the City shall be assessed and collected in accordance with Chapter IV, Section 4-511; and

This Resolution is approved and adopted this 2nd day of August, 2016, and it shall be effective upon publication in the official newspaper.



Bobby Stimatz, Mayor

ATTEST:


LADONA GARCIA, City Clerk