

12-11-08
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RESOLUTION NO. 2008-17

A RESOLUTION PROVIDING OWNER OF STRUCTURE LOCATED AT BLOCK 1, TOWN OF BASEHOR, CAMA#: 157-35-0-20-05-006.00, IN THE CITY OF BASEHOR, LEAVENWORTH COUNTY, KANSAS, COMMONLY REFERRED TO AS 2805 N. 155TH STREET, BASEHOR, KANSAS, FINAL OPPORTUNITY TO REMOVE THE STRUCTURE OR MAKE IT SAFE

WHEREAS, the Enforcing Officer of the City of Basehor, Kansas did on the 3rd day of October, 2007, file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and,

WHEREAS, the governing body did by Resolution No. 2007-07 dated the 6th day of November, 2007, fix the time and place of a hearing at which the owner, his agent, lien holders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 2007-07 was published in the official city paper on the 8th day of November, 2007 and on the 15th day of November, 2007, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 17th day of December, 2007 the governing body did conduct the hearing scheduled in Resolution 2007-07 and took evidence from the following: the enforcing officer on behalf of the city; Jeral Cooper, the owner, and the owner's attorney; and,

WHEREAS, pursuant to Resolution 2007-12, the governing body determined the structure was unsafe and dangerous and gave the owner ninety (90) days within which to commence the repair or removal of said structure; and,

WHEREAS, the owner has failed to diligently commence and complete the repair or removal of the structure, and has repeatedly challenged the City's determination that the structure is unsafe and dangerous; and

WHEREAS, the governing body retained an independent structural engineer who has examined the structure and confirmed that it is unsafe and dangerous; and

WHEREAS, in lieu of the City demolishing the structure and assessing the costs of the same to the property; the governing body desires to give the owner one final opportunity to remove or repair the structure to make the premises safe.

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

SECTION 1. The owner of the structure located at:

CAMA#: 157-35-0-20-05-006.00

LOT: BLOCK: 1

TOWN OF BASEHOR

and commonly known and referred to as 2805 N. 155th St, Basehor, Kansas, is hereby directed to do the following:

- a. Submit a set of plans prepared by a licensed design professional or engineer to the city and make application for a building permit within (30) days from the receipt of this Resolution for improvements to make the premises safe, not later than the 31st day of December, 2008. After said building permit is issued and plans are approved by the city, the owner shall have one-hundred and eighty (180) days from the issuance of said permit to complete the rehabilitation of said structure and have a final certificate of occupancy issued; or
- b. Commence the removal of the structure within thirty (30) days from the receipt of this Resolution, not later than the 31st day of December, 2008, and to have the removal completed within sixty (60) days of the date of commencement, not later than the 1st day of March, 2009.

SECTION 2. BE IT FURTHER RESOLVED; that if the owner fails to commence the repair or removal of the structure within the time provided herein or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raze and remove the structure without further notice to the owner or other parties of interest.

SECTION 3. BE IT FURTHER RESOLVED; that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the property owners, agents, lien holders, occupants and other parties in interest.

Adopted this 1st day of December, 2008

Chris Garcia, Mayor

(SEAL)



ATTEST:

Mary A. Mogle, City Clerk