

RESOLUTION NO. 23-2016

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 8511 SE 71st STREET, BAXTER SPRINGS, CHEROKEE COUNTY, KANSAS, CONSISTING OF LOT 10, BLOCK 10 IN THE ORIGINAL PLAT OF LOWELL, IS UNSAFE AND DANGEROUS, AND DIRECTING THAT THE STRUCTURE AND DEBRIS BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of Cherokee County, Kansas, did on the 22nd day of February, 2016, file with the Governing Body, the Board of County Commissioners of Cherokee County, Kansas, a statement in writing that a certain structure, described above, was dilapidated, unsafe and dangerous and a blight upon the neighborhood; and,

WHEREAS, by its Resolution No. 03-2016, the Governing Body established the time and place of a hearing at which the owner, her agent, and lienholders, 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 demolished, and provided for giving notice thereof as provided by law; said hearing was scheduled for April 18, 2016, 10:00 a.m., and,

WHEREAS, Resolution No. 03-2016 was published on the 2nd day of March, 2016, and on the 9th day of March, 2016, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 18th day of April, 2016, the Governing Body did conduct the hearing and took evidence from the following: the property owner, Mary Mae Sitton. The Governing Body granted the property owner's request for a continuance to proceed with remedial repairs and removal of debris. A follow-up hearing was scheduled for May 23, 2016, 10:00 a.m., documented by Resolution No. 10-2016, and,

WHEREAS, on the 23rd day of May, 2016, the Governing Body conducted a review hearing and heard evidence from the property owner, Mary Mae Sitton. The Governing Body granted the property owner's request for a continuance to proceed with remedial repairs and removal of debris. A follow-up hearing was scheduled for June 20, 2016, 10:00 a.m., documented by Resolution No. 12-2016, and,

WHEREAS, on the 20th day of June, 2016, the Governing Body granted a continuance at the property owner's request due to reported health issues. A follow-up hearing was scheduled for July 18, 2016, 10:00 a.m., documented by Resolution No. 17-2016, and,

WHEREAS, the Governing Body conducted its follow-up hearing on July 18, 2016. The property owner, Mary Mae Sitton, failed to appear or provide progress information. The matter was continued for review on August 19, 2016, to determine whether repairs, improvements and cleanup were completed.

NOW, THEREFORE, ON THIS 22ND DAY OF AUGUST, 2016, BE IT RESOLVED BY THE GOVERNING BODY OF CHEROKEE COUNTY, KANSAS, THAT:

1. The Governing Body hereby finds that the structure located at:

8511 SE 71st Street, Baxter Springs, Cherokee County, Kansas, described as Lot 10, Block 10 in the Original Plat of Lowell, is unsafe and dangerous and directs that such structure is to be removed and the premises made safe and secure.

2. The owner of such structure is hereby directed to commence the removal of the structure within fourteen days (14) days from the date of this hearing, not later than September 6, 2016, and to complete the removal of the structure and debris not later than September 20, 2016.

3. If the owner fails to complete the removal of the structure within the time stated herein, or any additional time granted by the Governing Body, or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed and the costs of razing and removing, less salvage, if any, shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located or by both, all as provided by law.

BE IT FURTHER RESOLVED, that if the owner fails to commence the 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 in interest.

BE IT FURTHER RESOLVED, that the County Clerk shall cause this Resolution to be published once in the official County newspaper and mail a copy to the owners, agents, lienholders, occupants and other parties in interest.

Adopted this 29th day of August, 2016.

APPROVED:



Robert E. Myers, Chair
Cherokee County Commissioner

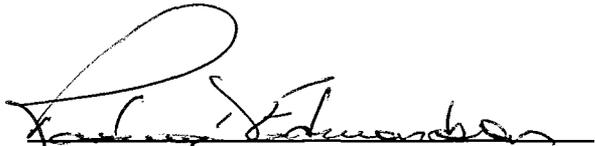


Charles Napier
Cherokee County Commissioner



Pat Collins
Cherokee County Commissioner

ATTEST:

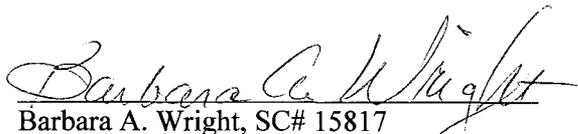


Rodney Edmondson
Cherokee County Clerk
Executed: August, 29, 2016,
by the Board of County Commissioners

CERTIFICATE OF MAILING

I hereby certify that on the 24th day of August, 2016, a copy of the proposed condemnation Resolution was sent by U.S. Mail, first class, postage prepaid, to the property owner, Mary Mae Sitton, addressed as follows:

Mary Mae Sitton
8931 SE 72nd Terrace
Baxter Springs, Kansas 66713



Barbara A. Wright, SC# 15817
Cherokee County Counselor
P.O. Box 476
Columbus, Kansas 66725
620-704-2232
wrightbarb@outlook.com