

RESOLUTION NO. 07-465

A RESOLUTION FINDING THAT THE STRUCTURE/S LOCATED ON LOTS 62 AND 64, ON GROVE AVENUE, FORMERLY TYLER AVENUE, FAIRMOUNT PARK ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS, COMMONLY KNOWN AS 1242 N. GROVE, IS/ARE UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE/S TO BE MADE SAFE AND SECURE OR REMOVED.

WHEREAS, the enforcing officer of the City of Wichita, Kansas, did on the 26th day of June, 2007, file with the governing body of said City a statement in writing that a certain structure/s, hereinafter described, was/were unsafe and dangerous; and

WHEREAS, the governing body did by Resolution dated the 26th day of June, 2007 fix the time and place of a hearing at which the owner, his agent, any lien holders of record and any occupant of such structure/s could appear and show cause why such structure/s should not be condemned and ordered repaired or demolished, and provided for giving notice thereof as provided by law; and

WHEREAS, such Resolutions were published in the official City paper on the 30<sup>th</sup> day of June and 7th day of July, 2007.

WHEREAS, on the 7<sup>th</sup> day of August 2007, this matter came back before the governing body for a hearing to determine whether the structure/s that is/are on the premises described herein is/are a dangerous building/s within the terms of Chapter 18.16 of the Code of the City of Wichita, Kansas, and/or K.S.A. 12-1750, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS AS FOLLOWS:

1. The governing body, after hearing testimony submitted by the Superintendent of Central Inspection and by other interested parties, reviewing the file, and after being otherwise duly and fully informed, finds as follows:

(a) Proper notice was served upon all interested parties entitled thereto in all respects as provided for at K.S.A. 12-1750 et. Seq. and by Chapter 18.16 of the Code of the City of Wichita.

(b) The primary structure/s at issue is/are: A one-story frame dwelling about 28 x 36 feet in size. Vacant and open, this structure has shifting concrete basement walls; broken and missing asbestos shingles; deteriorated, sagging composition roof; rotted soffits and fascia; rotted wood trim; and the 8 x 8 foot accessory shed is dilapidated. Photographs of the structure/s and testimony of the Superintendent of Central Inspection are incorporated by reference herein as though fully set forth herein or attached hereto.

(c) The owner (owners) of record of the property is (are):

Mary J. Hardyway  
2627 Grail  
Wichita, KS 67211-3721

(d) There is nobody occupying the property and the lien holder(s) of record is (are):

Don Brace, County Clerk  
Sedgwick County Clerk  
525 N. Main  
Wichita, KS 67203

Chris McElgunn, Attorney  
301 N. Main, Suite 1600  
Wichita, KS 67202

State of Kansas SRS  
320 E. William  
Wichita, KS 67202

Paul Morrison  
Kansas Judicial Center (2nd Flr)  
301 W. 10th St.  
Topeka, KS 66612

Mortgage Holders:

Beneficial Mortgage Co. of Kansas, Inc.  
2495 S. Seneca  
Wichita, KS 67217

City of Wichita, Neighborhood Improvement Services  
332 N. Riverview  
Wichita, KS 67203

Agent: None

Interested Parties: None

II. The structure/s on the property is/are found to be dangerous and unsafe and is/are found to constitute a public nuisance because of the following conditions:

Based upon the findings set out above, the structure/s is/are declared to constitute a public nuisance.

III. The governing body, based on the findings set forth herein orders that the structure/s is/are hereby condemned:

(a) The governing body hereby directs that the structure/s is/are to be removed and the premises made safe and secure. Any extensions of time granted for repairs are provided that any back taxes are paid, the structure/s is/are kept secured and the premises remain free of debris and maintained. If any of these conditions are not met, staff is directed to let the structure/s for bids for demolition. The owner (owners) of such structure/s is/are hereby given ten (10) days from the date of publication of resolution to commence the demolition of said structure/s and ten (10) additional days from the date thereof to complete demolition.

(b) The governing body further directs that if such owner (owners) fails/fail to commence the demolition of such structure/s within the time stated or fails to diligently prosecute the same until the work is completed, then the City Manager will cause the structure/s to be razed and removed and the cost of such razing and removing, less salvage value, if any, shall be assessed as a special assessment against the lot or parcel of land upon which the structure/s is/are located as provided by law.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be published once in the official City paper and a copy shall be mailed by certified mail to the owners, agents, lien holders and occupants within three (3) days after the first publication of the Resolution.

ADOPTED this 7<sup>th</sup> day of August 2007.

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Carl Brewer, Mayor

ATTEST: (SEAL)

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Karen Sublett, City Clerk