

RESOLUTION NO. 1115

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON ALL OF LOTS TEN (10) AND ELEVEN (11), IN BLOCK NINE (9), IN THE CITY OF ANTHONY, AS SHOWN BY THE RECORDED PLAT THEREOF, EXCEPT THE EAST FIFTY (50) FEET THEREOF; TOGETHER WITH EASEMENTS RESERVED THEREIN IN GENERAL WARRANTY DEED DATED AUGUST 3, 1950, AND RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF HARPER COUNTY, KANSAS, IN BLOOK 76, PAGE 257, WHICH SAID EASEMENTS ARE HEREBY CONVEYED TO SECOND PARTIES IN THE CITY OF ANTHONY, HARPER COUNTY, KANSAS, COMMONLY KNOWN AND REFERRED TO AS 301 N. KANSAS, ANTHONY, KANSAS, IS DANGEROUS OR UNSAFE AND DIRECTING THAT THE STRUCTURE BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Anthony, Kansas did on the 20th day of December, 2022, file with the governing body of said City a statement in writing that a certain structure, hereinafter described, was dangerous or unsafe; and,

WHEREAS, the governing body did by Resolution No. 1110 dated the 7th day of February, 2023, fix the time and place of a hearing at which the owner, his or her agent, 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 repaired or demolished, and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 1110 was published in the official city paper on the 28th day of December, 2022, and on the 4th day of January, 2023, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 7th day of February, 2023, the governing body did conduct the hearing scheduled in Resolution No. 1110 and took evidence from the following: the enforcing officer on behalf of the city; David Drosselmeyer, the owner; The following parties in interest failed to appear and did not present evidence: David Drosselmeyer.

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

1. The governing body hereby finds that the structure located at:

All of Lots Ten (10) and Eleven (11), in Block Nine (9), in the City of Anthony, as shown by the recorded plat thereof, except the East Fifty (50) feet thereof; together with easements reserved therein in general warranty deed dated August 3, 1950, and recorded in the office of the Register of Deeds of Harper County, Kansas, in Blook Seventy-six (76), page 257, which said easements are hereby conveyed to second parties in the City of Anthony, Harper County, Kansas

and commonly known and referred to as 301 N. Kansas, Anthony, Kansas, is dangerous or unsafe 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 property no later than the 1st day of March, 2023, and to have the removal completed within 30 days of the date of commencement (not later than the 31st day of March, 2023). Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the removal of the property. The owner shall bear full responsibility for any and all expenses associated with the removal of the structure and making the premises safe and secure.

3. If the owner fails to commence 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, make the premises safe and secure, or let the same to contract, and the costs of razing and removing and making secure, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, shall be assessed as a special assessment against the lot of parcel of land upon which the structure is located, and or by an action in district court, and any other manner of collection provided by law.

4. The owner of any structure, upon removing the same, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave the premises in a safe condition, with the ground level and free of debris, at owner's expense. If the owner fails to take such action, the enforcing officer may proceed to make the site safe. The cost of which shall be recovered by any means stated in Section 3 of this resolution.

5. The owner of the structure must obtain an approved demolition permit from the City of Anthony prior to starting construction/demolition.

APPEAL, Any person affected by an order issued by the governing body under this resolution may, within 30 days following service of the order, petition the district court of Harper County for an injunction restraining the enforcing officer from carrying out the provisions of the order pending final disposition of the case.

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 until it is completed, 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 City Clerk or designated representative shall cause this Resolution to be published once in the official city paper and mail a copy to the owner, agents, lienholders, occupants, and other parties in interest.

Adopted this 21st day of February, 2023.

Gregory Cleveland, Mayor

(SEAL)
ATTEST:

Cyndra Kastens, City Clerk



CITY OF PRATT

Brad Blankenship
City Inspector

PO Box 807
Pratt, KS 67124
620-672-3866

bblankenship@cityofprattks.com

Date: April 18, 2022

To: City of Anthony
Cyndra Kastens
124 S. Bluff
P.O. Box 504
Anthony, Kansas 67003

Re: #6 Dangerous/Unsafe structure at 301 N. Kansas St.

Dear Ms. Kastens,

Upon visiting 301 N. Kansas St., I have determined that the house is an unsafe, dangerous, unfit for human habitation and a public hazard due to holes in the roof. A tree has fallen, which has caused the roof to cave in. The continual weather intrusions being allowed through roof penetrations will cause the lower substructure to collapse. It will have and has a blighting influence on adjoining properties if left in its current state. I have included pictures to justify my findings. My recommendation is for this structure to be torn down for the health, safety and welfare of the general public.

Sincerely,

A handwritten signature in black ink that reads "Brad Blankenship".

Brad Blankenship

Code Enforcement/ Building Inspector





