

RESOLUTION NO. 1113

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT ONE (1) IN BLOCK SEVENTY-THREE (73), CITY OF ANTHONY, HARPER COUNTY, KANSAS, COMMONLY KNOWN AND REFERRED TO AS THE SOUTHWEST CORNER OF GRANT AND SOUTH MASSACHUSETTS 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 1ST day of November, 2023, 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. 1105 dated the 1st day of November, 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. 1105 was published in the official city paper on the 9th day of November, 2022, and on the 16th day of November, 2022, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 20th day of December, 2022, the governing body did conduct the hearing scheduled in Resolution No. 1105 and took evidence from the following: The following parties in interest failed to appear or appeared and did not present evidence: Josh Rathgeber, the owner.

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:

Lot One (1) in Block Seventy-three (73), City of Anthony, Harper County,
Kansas

and commonly known and referred to as the Southwest Corner of Grant and South Massachusetts, 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 11th day of January, 2023, and to have the removal completed within 30 days of the date of commencement not later than the 10th day of February, 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 [repair] 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 3rd day of January, 2023,

Gregory Cleveland, Mayor

(SEAL)
ATTEST:

Cyndra Kastens, City Clerk