

ORDINANCE NO. S-313

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES 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, ALSO KNOWN AND REFERRED TO AS 301 N. KANSAS, ANTHONY, KANSAS, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURE, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY; AND, THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS OR PARCELS OF LAND ON WHICH SUCH STRUCTURES ARE LOCATED.

WHEREAS, the governing body did after proper notice and hearing as provided by law make findings by Resolution No. 1115, dated February 21st, 2023 that the structures hereinafter described are dangerous or unsafe and did direct the owner of such structures to repair or remove the same and make the premises safe and secure, together with a statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structures to be razed and removed; and,

WHEREAS, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupant of such structures and all other parties having any legal or equitable interest in the property, or was otherwise served as required by law; and,

WHEREAS, the owner has wholly failed to commence or complete the repair or removal of said structures;

Now Therefore, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ANTHONY, KANSAS:

Section 1. The enforcing officer is hereby authorized and directed to cause 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 block 76, page 257, which said easements are hereby conveyed to second parties in the City of Anthony, Harper County, Kansas, also

commonly known and referred to as 301 N. Kansas of said city to be razed and removed and the premises made safe and secure, and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2. The enforcing officer shall keep an account of the costs of the work and may sell salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3. All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such cost shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located; PROVIDED, that if there is no salvage or if the proceeds received from the sale of salvage are insufficient to pay the costs of such work, such costs or any portion thereof in excess of the amount received from the sale of the salvage shall be assessed as a special assessment against the lots or parcels of land on which the structures were located and may be financed until the assessment is paid out of the general fund of the city and/or may be pursued as a personal debt pursuant to the procedure allowed under K.S.A.12-1,115 and any amendments thereto, and/or bring action in district court, and any other manner of collection as provided by law.

Section 4. This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body, this 4th day of April, 2023.

Gregory Cleveland, Mayor

(SEAL)
ATTEST:

Cyndra Kastens, City Clerk