

RESOLUTION NO. 2022-09-

A RESOLUTION FINDING THAT THE STRUCTURE(S) LEGALLY DESCRIBED HEREIN AND LOCATED WITHIN THE CITY LIMITS OF THE CITY OF ARKANSAS CITY, KANSAS, ARE UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE(S) BE REPAIRED, SHORED OR OTHERWISE MADE SAFE, OR, IN THE ALTERNATIVE, DEMOLISH THE STRUCTURE(S), MAKING THE PREMISES SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Arkansas City, Kansas, did, on or about the 2nd day of August, 2022 file with the Governing Body of the City of Arkansas City a statement in writing that the structures hereinafter described constitute an unsafe or dangerous structure.

WHEREAS, the Governing Body did by Resolution No. 2022-08-3492 establish the 20th day of September, 2022 at 5:30 p.m., as the date of public hearing at which time the owners, their agents, any lienholders of record and occupants of the structure(s) could appear and show cause why said structure(s) should not be condemned and ordered repaired, shored or otherwise made safe, or, in the alternative, demolished as unsafe or dangerous structure(s), and did duly publish and serve said Resolution in the manner provided by law; and

WHEREAS, on this date the Governing Body held a public hearing to determine whether the structure(s) at issue is a dangerous structure.

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

SECTION ONE: That the Governing Body hereby finds the following described structure(s) located in Arkansas City, Kansas, to-wit:

Parcel 1:

Dilapidated Structure, including any Accessory structures located at 822 S 1st Street, Arkansas City, Cowley County, Kansas, and legally described as, to-wit: West 76 feet and 3 inches of Lots 13 and 14, Block 162 Matlack's Addition to Arkansas City, Cowley County, Kansas

Record Owner(s): Robert Nicholas
822 S 1st Street
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 2:

Dilapidated Structure, including any Accessory structures located at 906 S 7th Street, Arkansas City, Cowley County, Kansas, and legally described as, to-wit: Lots 3 and 4, Block 13, Gooch's Addition, Arkansas City, Cowley County, Kansas.

Record Owner(s): The Estate of Shirley L. Goulden, deceased, subject to the recording of the Death certificate or filing of a probate for Claudie C. Irvin, deceased.
906 S 7th ST
Arkansas City, KS 67005

Record Lienholder(s): State of Kansas Medical Assistance
PO Box 3571
Topeka, KS 66601-3571

Kansas Department of Health & Environment
Division of Health Care Finance
Curtis State Office Building, Suite 560
1000 SW Jackson Street
Topeka, KS 66612

Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 3:

Dilapidated Structure, including any Accessory structures located at 523/525 N 9th ST, Arkansas City, Cowley County, Kansas, and legally described as, to-wit: Lots 1, 2, 3 and the North Half of Lot 4, Block 2, Reed's Addition to Arkansas City, Cowley Count, Kansas.

Record Owner(s): Erby A. Berryman & Joyce A. Berryman
523 N 9th Street
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 4:

Dilapidated Structure, including any Accessory structures located at 722 N B Street, Arkansas City, Cowley County, Kansas, and legally described as, to-wit: Lots 5 and 6, Block 37, Original Townsite, City of Arkansas City, Kansas

Record Owner(s): Paul D. Hicks & Marsha A. Hicks
722 N B Street
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

Parcel 5:

Dilapidated Structure, including any Accessory structures located at 415 E Jefferson Avenue, Arkansas City, Cowley County, Kansas, and legally described as, to-wit: Lots 25 and 26, Block 36, Arkansas City, Cowley County, Kansas.

Record Owner(s): Baldemara Reyes and Maria Mendoza
415 E Jefferson Avenue
Arkansas City, KS 67005

Record Lienholder(s): Cowley County Treasurer, Unpaid Taxes
311 E. 9th Avenue
Winfield, KS 67156

to be UNSAFE and DANGEROUS and hereby directs that the structure(s) be repaired, shored or otherwise made safe, or, if economically unfeasible, then, in the alternative, that the structure(s) be demolished and the premises made safe and secure. The owner(s) of said structure(s) are hereby given:

_ For **REPAIR** and **RENOVATION**, thirty (30) days from the date of publication of this Resolution within which to commence repair and/or renovation of the same, and an additional ninety (90) days to complete

such, or during a timeframe extended by the Building Official in the Neighborhood Services Division, or his designee, in his sole discretion; and

_ For **DEMOLITION**, thirty (30) days from the date of publication of this Resolution within which to obtain the necessary demolition permit and commence demolition of the same and an additional fifteen (15) days to complete such, including removal of all materials from the demolished structure, or during a timeframe extended by the Building Official in the Neighborhood Services Division, or his designee, in his sole discretion;

_ If the owners fail to commence such repair and renovation or demolition within the time allotted above, the Building Official in the Neighborhood Services Division, or his designee, is hereby authorized to cause the structure(s) to be either repaired and renovated and thereby made safe, or, in the alternative, demolished, and the premises made safe and secure and the costs incurred thereby, less salvage, if any, shall be assessed as a special assessment against the lot or parcel of land upon which the structure(s) are located, and the City may also pursue collection in the manner provided by K.S.A. § 12-1,115 and all acts amendatory thereof or supplemental thereto and through any other available means.

SECTION TWO: The City Clerk shall cause this Resolution to be published once in the official City newspaper and a copy mailed by certified mail within three (3) days after publication to each such owner, agent, lienholder or occupant at his/her/their/its last known place of residence, all as contemplated under Kansas law. Further, this Resolution shall be filed with the Cowley County Register of Deeds, and indexed to the property(ies) described herein.

PASSED AND RESOLVED by the Governing Body of the City of Arkansas City, Kansas this 20th day of September, 2022 with City Officials being authorized and directed to execute any and all documents necessary to consummate the purposes and intents as expressed in this Resolution and if executed by the Mayor (or other person authorized by law to act in the event of the absence or inability of the Mayor to act) and the City Clerk is directed to attest to and affix the official seal of the City thereon.

(Seal)

Kanyon Gingher, Mayor

ATTEST:

Lesley Shook, City Clerk

APPROVED AS TO FORM.

Larry R. Schwartz, City Attorney

CERTIFICATE

I hereby certify that the above and foregoing is a true and correct copy of the Resolution No. 2022-09-____ of the City of Arkansas City, Kansas adopted by the governing body on September 20, 2022 as the same appears of record in my office.

DATED: _____.

Lesley Shook, City Clerk