

**City of Sedgwick
City Council Meeting
February 21, 2024**

TO: Mayor and City Council

SUBJECT: Public Hearing - 311 Lincoln Ave

INITIATED BY: Public Works & Utilities Department

AGENDA: New Business

Background: On January 3, 2024, the City adopted Resolution 01032024B setting a public hearing for this date where the owners and other interested persons could present evidence to show cause why the structure at 311 Lincoln Avenue should not be ordered repaired or demolished. This Resolution was published as set forth in K.S.A. 12-1752 and a copy mailed as required in said statute to the owner of record.

Financial Considerations: In the event that the owner or other interested person fails to commence either repair or demolition of the said structure, the City is authorized under state law to assess the costs, both direct and administrative, of doing such repair or demolition against the real property at 311 Lincoln Ave.

Recommendations/Actions: After receiving evidence relating to the present condition of the structure at 311 Lincoln Ave., make findings as to whether the structure is dangerous and unsafe.

If it determined that the structure is dangerous and unsafe, adopt Resolution 02212024 which sets out the findings that support such a determination and sets a date by which the owner or other interested persons must commence either repair or removal of the structure.

Attachment: Resolution 02212024

RESOLUTION NO. 02212024

A RESOLUTION FINDING THE STRUCTURE AT 311 LINCOLN AVENUE TO BE DANGEROUS AND UNSAFE AND, PURSUANT TO K.S.A. 12-1753, DIRECTING THE OWNER AND ANY OTHER PERSONS HAVING AN INTEREST IN SAID STRUCTURE TO EITHER REPAIR OR REMOVE THE STRUCTURE WITH SUCH WORK TO COMMENCE NO LATER THAN ____ DAYS FROM THE DATE OF THIS RESOLUTION.

WHEREAS, the Chief Building Inspector for the City has filed with the City Clerk and the governing body a statement in writing declaring that the structure located at 311 Lincoln Avenue in the City of Sedgwick, Kansas, is dangerous or unsafe; and

WHEREAS, the provisions of state law allow the City to order the repair or demolition of such structures upon compliance with the requirements of K.S.A. 12-1750, et.seq., as amended; and

WHEREAS, pursuant to K.S.A. 12-1752, the City set February 21, 2024 as the date for a public hearing to receive evidence as to whether said structure was dangerous and unsafe and notice of such public hearing was sent to the owner of record; and

WHEREAS, the City held the public hearing required under state law and received evidence of the current condition of said structure.

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

1. After receiving evidence from the City's Building Official and all other interested parties, the City finds that the structure at 311 Lincoln Avenue is dangerous and unsafe because a) it is open to the elements and is unsecured against entrance by persons with no right to enter the structure, including children, and by vermin and b) there is significant structural damage to the roof and wall structures which is dangerous to persons.

2. The owner and any other persons having an interest in said structure shall have ____ days within which to commence either the repair or removal of said structure and if the owner or any other such person having an interest in the structure shall fail to commence such repair or removal or shall fail to diligently prosecute the work to complete such repair or removal, the City is authorized to cause such structure to be repaired or razed and removed and to assess the costs of the same against the real property at 311 Lincoln Avenue, Sedgwick, Kansas.

3. This resolution shall be published once in the official city paper and a copy mailed to the owners, agents, lienholders of record and occupants in the same manner provided for the notice of hearing.

ADOPTED by the Governing Body of the City of Sedgwick, Kansas on February 21, 2024.

Bryan Chapman, Mayor

(Seal)

ATTEST:

Shelia Agee, City Clerk