

RESOLUTION NO. 120919-2

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT 404 COTTAGE AVENUE, ABILENE, KANSAS, IS UNSAFE AND DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the building inspector of the City of Abilene, Kansas filed with the Governing Body a statement in writing that the structure, hereinafter described, is unsafe and dangerous;

WHEREAS, the Governing Body did by resolution fix the time and place of a hearing at which any owner, any owner's agent, any lienholders or record and any occupant of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished, and did duly publish and serve said resolution in the manner provided by law;

WHEREAS, on December 9, 2019, the Governing Body heard all evidence submitted by the property owners, the owners' agents, lienholders of record and occupants having an interest in such structure, as applicable, as well as evidence submitted by the building inspector.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the City of Abilene, Kansas:

Section 1. The Governing Body finds that the dwelling structure at the property commonly known as 404 Cottage Ave., Abilene, Kansas is unsafe and dangerous and that such conditions endanger the life, health, property or safety of the public or the occupants. The legal description of the subject property is as follows:

The East 40 feet of the following described tract of land to-wit: Beginning at a point 230 feet North and 1260 feet West of the Southeast corner of Section 16, Township 13 South, Range 2 East of the 6th P.M., Dickinson County, Kansas; thence North 200 feet; thence East 135 feet; thence South 200 feet; thence West 135 feet to the point of beginning.

Section 2. The Governing Body further finds that the following conditions render the structure unsafe and dangerous:

- (1) Fire damage to front rooms of building;
- (2) Front portion of structure open to weather elements;
- (3) Rafters and trusses fire damaged to unsafe conditions;
- (4) Miscellaneous fire and water damaged debris stored in front;
- (5) All windows boarded up some not secure;
- (6) Heavy smoke damage throughout structure;
- (7) Electrical system in disrepair;
- (8) Evidence of rainwater damage to the ceilings;
- (9) Plaster fallen off the walls and ceiling in various locations;

- (10) Cracked or missing siding;
- (11) Rear of building roof in need of repair;
- (12) Heavy vegetative overgrowth along the exterior walls; and
- (13) Evidence of mice and cats in the house, although none were observed.

Section 3. The owner is directed to repair or remove the structure, and to make the premises safe and secure (the "Work"). The Work shall be commenced by December 31, 2019 and shall be diligently prosecuted so as to allow for substantial completion of all Work no later than March 31, 2020. For purposes of this Resolution, the owner shall be deemed to have commenced the Work only if the owner has: (1) caused application to be made to the City of Abilene for, and obtained, the required permit(s) for the Work; or (2) commenced the physical Work on the premises after providing the building inspector with satisfactory evidence that no permits are required for the proposed Work under applicable law.

Section 4. If the owner fails to commence the Work, or to diligently prosecute the Work until the Work is substantially completed, all within the times stated, the Governing Body will cause the structure to be repaired or razed and removed.

Section 5. The City Clerk shall publish this resolution one (1) time in the official city newspaper and shall mail, by certified mail, copies of the resolution to each owner, agent, lienholder of record and any occupant of the structure within three (3) days after its publication.

Adopted by the Board of City Commissioners and signed by the Mayor this 9th day of December 2019.



Penny L. Soukup, CMC
Penny L. Soukup, CMC, City Clerk

CITY OF ABILENE, KANSAS

Timothy B. Shafer
Dr. Timothy B. Shafer, Mayor