

Affidavit in Proof of Publication

STATE OF KANSAS
Douglas County

Jacob Spradlin of the Legal Dept. of the Lawrence Daily Journal-World being first duly sworn, deposes and says:

That this daily newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a daily basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Lawrence Daily Journal-World

Said newspaper is published daily 365 days a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Lawrence in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive days/weeks the first publication thereof being made as aforesaid on 05/11/2009 with publications being made on the following dates:

05/11/2009

Subscribed and sworn to before me this 5-11-09

Notary Public

My Appointment expires 3-5-2011

(First published in the Lawrence Daily Journal-World May 11, 2009)

RESOLUTION NO. 6834

A RESOLUTION DECLARING A CERTAIN STRUCTURE TO BE UNSAFE AND DANGEROUS, DIRECTING THAT SAID STRUCTURE BE REPAIRED OR REMOVED, AND FIXING A REASONABLE TIME WITHIN WHICH ACTION SHALL COMMENCE, ALL IN ACCORDANCE WITH K.S.A. 12-1750, ET. SEQ., AS AMENDED AND CHAPTER 5, ARTICLE 11 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2009 EDITION AND AMENDMENTS THERETO.

WHEREAS, a hearing was held by the Governing Body, in accordance with the provisions of Resolution No. 6823 and K.S.A. 12-1750 et. seq., as amended and Chapter 5, Article 11 of the Code of the City of Lawrence, Kansas, 2009, edition and amendments thereto, in the City Commission Room, April 28, 2009, at which time and place the owner, the owner's agent, and lien holders of record and any occupant having an interest in the structure, located on the following premises in the City of Lawrence, Douglas County, Kansas, to-wit: Belmont Add Blk 1 Lt 4, commonly known as 1207 E. 13th Street were free to appear and show cause why such structure should not be condemned and ordered repaired or demolished; and WHEREAS, Resolution No 6823 of the Governing Body of the City of Lawrence, Kansas, was first published on March 13, 2009, with a second publication of March 20, 2009; and WHEREAS, pursuant to

K.S.A. 12-1752, a copy of said Resolution 6823 was mailed by certified mail within three (3) days of its first publication to the owner of record of said structure; and WHEREAS, pursuant to K.S.A. 12-1752 at least thirty (30) days have elapsed between the said last publication of the said Resolution and the date set for the hearing. NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS: **Section 1.** The above recitals are incorporated herein as if fully set forth. **Section 2.** The structure for the purpose of this Resolution and as defined in K.S.A. 12-1750, is commonly located at 1207 E. 13th Street, Lawrence, Kansas 66044 and legally described as follows: Belmont Add Blk 1 Lt 4, an addition to the City of Lawrence, Kansas. **Section 3.** Pursuant to K.S.A. 12-1753, the Governing Body of the City of Lawrence, Kansas, has heard all evidence submitted by the owner, the owner's agent, lienholders of record and occupants having an interest in such structure, as well as evidence submitted by the enforcing officer who filed the written statement provided for by K.S.A. 12-1750 et seq., as amended and further pursuant to Chapter 5, Article 11 of the Code of the City of Lawrence, Kansas, 2009, edition, and finds that the structure is unsafe and dangerous and orders the removal of the structure including the subfloor of the structure and the backfilling of the foundation to be completed before May 29, 2009; an inspection of the structural integrity of the garage previously attached to the house to determine if

the garage is unsafe or dangerous; and the owner shall provide plans to the City regarding the rebuilding of a house on the site and the use of the garage by June 30, 2009 in order for the City to determine how to proceed with the accessory garage structure. **Section 4.** Pursuant to K.S.A. 12-1753, the Governing Body orders the property owner of such structure to initiate commencement of the removal of such structure and orders that the premises be made safe and secure within the time period stated in Section 3 herein. **Section 5.** Pursuant to K.S.A. 12-1753 and K.S.A. 12-1755, if the property owner fails to comply with Section 3 or Section 4 herein or fails to diligently prosecute the same until the work is completed, the Governing Body shall cause the structure to be razed and removed as an unsafe and dangerous structure. **Section 6.** Pursuant to K.S.A. 12-1755, the City shall keep an account of the cost of such work and may sell salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys from the salvage in excess of that necessary to pay demolition and removal costs and the cost of publications of notice and any postage for mailing of notice, shall, after payment of all costs, be paid to the owner of the premises upon which the structure is located. **Section 7.** Pursuant to K.S.A. 12-1755, the City shall give notice to the owner of the structure of the total cost incurred by the City in removing such

Publication Charges	\$205.80
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
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Notary Public
My Appointment expires

structure and making the premises safe and secure and the cost of providing notice. If the cost is not paid within 30 days following receipt of notice, the cost shall be collected in the manner provided by K.S.A. 12-1,115 or shall be assessed as a special assessment against the property, all pursuant to K.S.A. 12-1750 et seq. and amendments thereto. **Section 8.** The City Clerk is hereby authorized to provide for the publication (1) one time, of this Resolution in the official newspaper of the City and shall mail a copy to the owners, agents, and lienholders of record and occupants of said structure. ADOPTED by the Governing Body of the City of Lawrence, Kansas, this 28th day of April, 2009.

APPROVED:
/s/ Robert Chestnut
Robert Chestnut
Mayor

ATTEST:
/s/ Frank S. Reeb
Frank S. Reeb
City Clerk

Approved as to form and
legality
/s/ Toni Ramirez Wheeler
Toni Ramirez Wheeler
Director of Legal Services

Publication Charges	\$205.80
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Additional Copies	\$0.00
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