

RESOLUTION NO. 6972

A RESOLUTION OF THE CITY OF LAWRENCE, KANSAS, DECLARING CERTAIN STRUCTURES WITHIN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, TO BE UNSAFE AND DANGEROUS, DIRECTING THAT SAID STRUCTURES BE REPAIRED OR RAZED AND REMOVED, AND ESTABLISHING A REASONABLE TIME WITHIN WHICH SUCH ACTION SHALL COMMENCE, ALL IN ACCORDANCE WITH K.S.A. 12-1750, ET SEQ., AND CHAPTER V, ARTICLE 11 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2011 EDITION, AND AMENDMENTS THERETO.

WHEREAS, at its March 13, 2012, regular meeting, the Governing Body passed Resolution No. 6964, wherein it recited that, in accordance with the Unsafe and Dangerous Structures and Abandoned Property Act of 1961 ("the Act"), codified as amended at K.S.A. 12-1750 *et seq.*, and Chapter V, Article 11 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, the Enforcing Officer for the City of Lawrence, Kansas, filed with the Governing Body a written statement averring that the structures located on that real property commonly known as 1106 Rhode Island Street, Lawrence, Douglas County, Kansas, the legal description of which is set forth at Section 2, *infra*, are unsafe and dangerous;

WHEREAS, in Resolution No. 6964, in accordance with the Act, the Governing Body directed the owner, the owner's agent, any lienholder of record, and any occupant of said structures to appear before it in the City Commission Room, First Floor, 6 East 6th Street, Lawrence, Kansas, on May 15, 2012, at 6:35 p.m., to show cause why said structures should not be condemned and ordered repaired or demolished as unsafe and dangerous structures;

WHEREAS, in accordance with the Act, Resolution No. 6964 was published in the official newspaper on March 31, 2012, with a second publication date of April 7, 2012;

WHEREAS, in accordance with the K.S.A. 12-1752, a copy of Resolution No. 6964 was mailed by certified mail to the owner of record within three days of its first publication in the official newspaper;

WHEREAS, in accordance with the K.S.A. 12-752, at least thirty days have elapsed between the publication of Resolution No. 6964 and the date of the May 15, 2012, hearing; and

WHEREAS, at its May 15, 2012, public meeting, in accordance with the Act, the Governing Body considered the structures at 1106 Rhode Island Street.

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

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2. The structures in question, described as a principal dwelling unit (the house) and four accessory buildings (a barn, a detached garage, and two makeshift sheds), are located on that real property, commonly known as 1106 Rhode Island Street, Lawrence, Douglas County, Kansas, and bear the following legal description, to-wit:

LOTS 118 & 120 ON RHODE ISLAND STREET IN THE ORIGINAL TOWNSITE OF THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, commonly known as 1106 Rhode Island Street.

SECTION 3. In accordance with K.S.A. 12-1753 and Chapter 5, Article 11 of the Code of the City of Lawrence, Kansas, 2011 Edition, and amendments thereto, the Governing Body, having heard all evidence submitted by the owner, the owner's agent, any lienholder of record, any occupants having an interest in the structures, as well as evidence submitted by the enforcing officer who filed the written statement as required by the Act, hereby finds that the structures in question are unsafe and dangerous and hereby orders that said structures be repaired or razed and removed and that the premises be made safe and secure by July 17, 2012.

SECTION 4. Pursuant to K.S.A. 12-753, the Governing Body hereby orders the owner of the subject property either to repair said structures or to commence proceedings before the City of Lawrence, Kansas, Historic Resources Commission ("HRC") to obtain approval of the demolition of said structures by July 17, 2012.

SECTION 5. If the owner of the subject property fails to comply with Sections 3 and 4, *supra*, or fails to diligently prosecute the same until the work is completed and the premises be made safe and secure, the Governing Body directs the enforcing officer to commence proceedings before the HRC to obtain approval of the demolition of said structures.

SECTION 6. If the owner of the subject property fails to comply with Sections 3 and 4, *supra*, or fails to diligently prosecute the same until the work is completed and the premises be made safe and secure, if the HRC approves the demolition of said structures, and if such work is undertaken by the enforcing officer, then the Governing Body directs City Staff, in accordance with K.S.A. 12-1755, to keep an account of the cost of such work, to sell any salvage from the structures in question, and to apply any proceeds from those sales to the costs of razing and removing the structures and making the premises safe and secure. Any moneys that may be received from salvage that are in excess of the costs of razing and removal to make the premises safe and secure, including the the costs of publication and the costs of postage for mailing notices, shall, after the payment of those costs, be paid to the owner of the real property on which the structures are located.

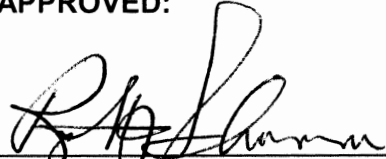
SECTION 7. If the owner of the subject property fails to comply with Sections 3 and 4, *supra*, or fails to diligently prosecute the same until the work is completed and the premises be made safe and secure, if the HRC approves the demolition of such structures, and if such work is undertaken by the enforcing officer and the costs of doing such exceed the moneys realized by any sale of salvage, then the Governing Body directs City Staff to give notice to the owner of the real property of the total costs incurred by the City, less any receipts for the sale of salvage. If those costs, if any, are not paid within thirty days of the service of the notice, then the Governing Body directs City Staff to collect such costs in the manner provided by K.S.A. 12-1,115 or to assess such costs as a special assessment against the real property in accordance with the Act.

SECTION 8. The City Clerk shall publish this Resolution one (1) time in the official newspaper of the City and shall mail, by certified mail, copies of the Resolution to the

owners, agents, lienholder of record, and any occupants of said structures within three (3) days after the publication of this Resolution.


PASSED by the Governing Body of the City of Lawrence, Kansas, this 22nd day of May, 2012.

APPROVED:



Robert J. Schumm, Mayor

ATTEST:



Jonathan M. Douglass, City Clerk

APPROVED AS TO FORM AND LEGALITY:



Toni R. Wheeler, City Attorney