

RESOLUTION NO. 676

A RESOLUTION OF THE CITY OF ROSE HILL, KANSAS, FINDING THE STRUCTURE LOCATED AT LOT 4, IN BLOCK D, FOX BRIER FIRST ADDITION TO THE CITY OF ROSE HILL, IN BUTLER COUNTY, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE REMOVED AND/OR PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Office of the City of Rose Hill, Kansas, did on the 6th day of November 2023, file with the governing body of said city, a statement in writing that certain structure(s), hereinafter described, is unsafe or dangerous.

WHEREAS, the governing body did by Resolution No. 672 dated the 6th day of November 2023, fix the time and place of a hearing at which the owner, his/her agent, any lien holders of record and any occupant of such structure could appear and show cause why such structure(s) should not be condemned and ordered repaired or demolished; and

WHEREAS, Resolution No. 672 was published in the official city newspaper on the 16th day of November 2023 and the 23rd day of November 2023 and a copy of said resolution was served upon all persons entitled thereto as provided by law; and

WHEREAS, on the 2nd day of January 2024, the governing body did conduct a public hearing in accordance with Resolution No. 672 and took evidence from the City Administrator on behalf of the city. The following parties in interest appeared and presented evidence:

Brett Adair, owner

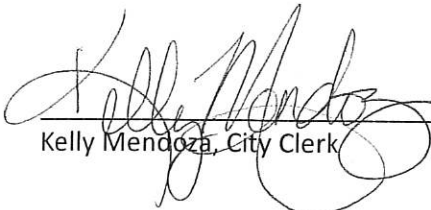
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROSE HILL, KANSAS, THAT:

1. The governing body hereby finds that the structure located at: Lot 4, in Block D, Fox Brier First Addition to the City of Rose Hill, in Butler County, Kansas, commonly known as 1714 N. Main, Rose Hill, Kansas 67133, is unsafe and dangerous and directs that such structure is to be removed or repaired and the premises made safe and secure.
2. Not later than April 30, 2024, the owner of such structure is hereby directed to submit to the City Administrator a satisfactory plan of repair and/or reconstruction of the structure in full conformity with applicable building regulations and land use regulations as adopted by the City of Rose Hill, Kansas. Upon approval of the plan of repair by the governing body, the owner may obtain a building permit based upon adopted codes, and begin repair and/or reconstruction of the structure prior to April 30, 2024 and shall complete all building construction activities not later than April 30, 2025 and successfully obtain a certificate of occupancy from the building official.

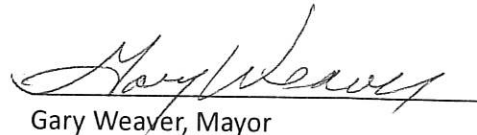
3. Upon approval by the governing body of a satisfactory plan to demolish the structure, the owner of such structure may commence the demolition of the property prior to April 30, 2024 and all removal and rehabilitation of the property shall be completed not later than July 1, 2024. The owner shall fill any basement or other excavation located on the premises to leave the premises in a safe condition.
4. If the property owner fails to submit an acceptable plan or fails to comply within the time specified in this resolution to complete the repair and/or reconstruction or to remove or demolish the structure, the City Administrator will cause the structure to be repaired, altered, improved, removed or demolished and the cost to the City of any repairs, alterations, improvements, vacating, removal or demolition shall be reported to the City Clerk.
5. All costs of removing the structure and making the site safe, less salvage value, if any, shall be paid by the insurance funds held by the City of Rose Hill, Kansas within the Insurance Proceeds Fund pursuant to section 8-801 et seq of the Rose Hill Code. Any proceeds in excess that is required to recover the costs will be paid to the owner of the premises.
6. If the proceeds from the sale of salvage or insurance process are insufficient to recover the costs, the balance shall be collected in the manner provided by K.S.A. 12-1,115 and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land on which the structure was located.
7. Upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the repair and/or reconstruction of the structure or complete the removal of the structure and restoration of the property.

BE IT FURTHER RESOLVED that the City Clerk shall cause this resolution to be published once in the official City paper and a copy shall be mailed by certified mail to the owner, agent, lien holder, and occupants within three (3) business days after the first publication of the Resolution.

Adopted this 16th day of January, 2024.


Kelly Mendoza, City Clerk




Gary Weaver, Mayor

Approved to form:


Richard Samaniego, City Attorney