

RESOLUTION NO. 05-09-24B

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF JUNE 10, 2024 TO RESOLVE DANGEROUS AND UNFIT STRUCTURES EXISTING AT 312 E. 5TH STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407.

WHEREAS, the Public Officer has filed with the Governing Body a written statement that the structures located upon the property located at 312 E. 5th Street, Edgerton, Kansas (the "Property"), are declared unsafe or dangerous; and

WHEREAS, pursuant to Resolution 03-14-24A the City Council requested the appearance of the listed owner of the Property, Lakeview Loan Servicing LLC, at a hearing held on May 9, 2024 at 7:00 P.M. at City Hall; and

WHEREAS, Resolution 03-14-24A was published in the official City newspaper and was mailed in accordance with Edgerton Municipal Code, Article IV, Section 4-406; and

WHEREAS, the Property owner's attorney appeared at said hearing on May 9, 2024 and stated that his client continues to make progress towards the repair and restoration of the Property. City Staff observed that as of the date of the hearing the Property remained unfit for human habitation and is in violation of the City Code; and

WHEREAS, Staff and the City Attorney informed the Council that the Property was still not connected to city utilities, even though the Property had been in the name of the present owner for multiple months, and therefore the property is additionally unfit for human habitation per the City Code due to that lack of a connection; and

WHEREFORE, the City Council has determined that the structures located at the Property are dangerous, unsafe, and unfit for human habitation and use and wish to set a deadline for the Property to be in compliance.

BE IT RESOLVED BY THE CITY COUNCIL, CITY OF EDGERTON, JOHNSON COUNTY, KANSAS:

That pursuant to Section 4-407 of the City Code the City Council hereby finds that the Property is currently dangerous, unsafe and unfit for human habitation and use and sets a deadline of June 10, 2024 to either bring the Property within compliance with the City Code or demolish the structures on the property.

While the Council is agreeable to possibly extending that deadline if the Owner shows a good faith effort to make continued progress on the repair of the Property, such extension(s) will only be granted if the property is connected to city utilities within seven

(7) days of the passage of this Resolution. In the event additional time is granted by the Council, progress shall be measured by: (1) tangible improvements being made week to week on the Property, (2) monthly updates which show adequate progress to City of Edgerton staff and (3) the Owner must continue to obtain building inspections as required by the adopted building code of the City of Edgerton. Said monthly updates and inspection reports will be shared with the Council as they are received by staff.

Should the Property not have been demolished or abated to the satisfaction of the City Council by June 10, 2024, should the Property not be connected to City utilities within seven (7) days of passage of this Resolution, or should progress not continue to be made if the Council subsequently grants an extension of time to cure, the City of Edgerton by its agent is hereby authorized to abate the conditions and demolish or remove the structure.

BE IT FURTHER RESOLVED:

That should it be necessary to demolish or remove the structure, the costs incurred by the City of Edgerton, Kansas, including attorneys' fees, shall be charged against the above-described property as provided in Chapter IV, Article 4, Section 4-411, and the City Clerk shall, at the time of certifying other taxes to the County Clerk, certify the costs of cleanup. The County Clerk shall extend the same on the tax roll and it shall be collected by the County Treasurer and paid to the City of Edgerton as other City taxes are collected and paid.

PASSED by the City Council on this 9th day of May, 2024.

APPROVED BY the Mayor on this 9th day of May, 2024.

/s/

DONALD ROBERTS, MAYOR

ATTEST:

/s/

ALEX FIRTH, ASSISTANT CITY CLERK

APPROVED AS TO FORM:

/s/

LEE W. HENDRICKS, CITY ATTORNEY