

RESOLUTION NO. 07-22-21A

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF FEBRUARY 24, 2022 TO RESOLVE A DANGEROUS AND UNFIT STRUCTURE EXISTING AT 502 EAST 2ND STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407.

WHEREAS, it was reported to the City Council of the City of Edgerton, Johnson County, Kansas by the public officer that there exists, on the premises of 502 East 2nd Street Edgerton, Kansas (the "property"), a house which is unfit for human use because of dilapidation, and serves as a general blight upon the neighborhood and surrounding properties, such conditions found to be dangerous, unsafe and unfit for human habitation; and

WHEREAS, pursuant to Resolution 10-22-20A the City Council requested the appearance of the listed owners of the property, Juan Abundiz and Vicenta Hernandez (the Owners), at a hearing held on December 10, 2020 at 7:00 P.M. at City Hall; and

WHEREAS, the Owners appeared at said hearing and provided testimony that they continue to make progress towards the repair and restoration of the property. City Staff observed that as of the date of that hearing the property remained unfit for human habitation and was in violation of the City Code; and

WHEREAS, monthly inspections by city staff since January 14, 2021 have determined that progress towards repair and restoration of the property is occurring and the Owners are moving towards resolving the dangerous and unfit nature of said structure;

WHEREFORE, the City Council has agreed that while the property remains in violation of the City Code, the Owners have continued to show a good faith effort to cure this violation and as such the Council is agreeable to the allowance of additional time to repair the home.

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 remains unsafe and unfit for human habitation but agrees to allow the owners until February 24, 2022 to either bring the property within compliance or demolish the property. In addition, the Owners must continue to provide monthly updates which show adequate progress to City of Edgerton staff and the Owners 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 February 24, 2022 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 22nd day of July, 2021.

APPROVED BY the Mayor on this 22nd day of July, 2021.

/s/
DONALD ROBERTS, MAYOR

ATTEST:

/s/
ALEXANDRIA CLOWER, CITY CLERK

APPROVED AS TO FORM:

/s/
LEE W. HENDRICKS, CITY ATTORNEY