

RESOLUTION NO. 05-27-21D

A RESOLUTION IN THE CITY OF EDGERTON, KANSAS, PROVIDING FOR A DEADLINE OF JUNE 21, 2021, TO RESTORE THE EXTERIOR CONDITON OF THE PROPERTY AT 1110 WEST 7TH STREET IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO THE CITY OF EDGERTON CITY CODE, CHAPTER VIII, ARTICLE 3.

WHEREAS, on December 15, 2020 it was reported to the Development Services Director of the City of Edgerton by Johnson County Fire District #1, that there had been a fire in the residence located at 1110 W. 7th Street, Edgerton, Kansas (the "Property"), and the windows and doors at the residence were damaged during the extinguishing of the fire; and

WHEREAS given the immediate hazard to the public of possible access to the property as a result of the fire, the doors and windows at the Property were boarded up with plywood by the City; and

WHEREAS, the owner of the Property, Mikkel Allenbrand, whose whereabouts are unknown, has made no attempt to remedy or repair the exterior of the structure by repairing the damaged windows and doors at the Property so that the residence could return to a habitable condition; and

WHEREAS, pursuant to section 8-308 of the Edgerton Municipal Code it is unlawful for any person to allow to exist on any residential premises an exterior condition that is deteriorated, dilapidated, or unsightly; and

WHERAS, pursuant to Section 8-309 of the Edgerton City Code, notice was mailed and posted on the Property providing the owner ten (10) days to either abate the violation or request a hearing before the governing body to discuss the nuisance; and

WHEREAS, such notice was mailed to the Property owner and posted on the Property on May 4, 2021. No actions were taken by the owner and the Property remains in violation on 8-308; and

WHEREAS, pursuant to Section 8-311, as an alternative to prosecution the public officer may seek to remedy the violations of this Article by presenting a resolution to the governing body for adoption authorizing the public officer or other agents of the city to abate the conditions causing the violation at the end of 10 days after passage of the resolution; and

WHEREAS, the resolution shall further provide that the costs incurred by the city shall be charged against the lot or parcel of ground on which the nuisance was located as provided in Section 8-314 of the Municipal Code; and

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

That pursuant to Section 8-308 of the Municipal Code, the City Council hereby finds that the existence of plywood over doors and windows and the accompanying fire damage are violations of the Municipal Code and the owner shall have until June 21, 2021 to abate this

violation, by restoring the windows and doors to an operational and safe condition. Should the violation not be abated to the satisfaction of the City by June 21, 2021 the City of Edgerton by its agent is hereby authorized to abate the conditions causing the violations and remove the plywood, repairing the doors and windows so as to remove the deteriorated, dilapidated, or unsightly exterior of the structure pursuant to 8-311. In addition, this resolution shall become effective after publication once each week for two consecutive weeks in the official city newspaper and by posting a copy of the resolution on the premises where this condition exists.

BE IT FURTHER RESOLVED:

That should it be necessary to abate these conditions, any and all costs incurred by the City of Edgerton, Kansas, including attorneys' fees, shall be charged against the above described property as provided in Section 8-314, 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 27th day of May, 2021.

APPROVED by the Mayor on this 27th day of May, 2021.

ATTEST:

/s/
ALEXANDRIA CLOWER, CITY CLERK

/s/
DONALD ROBERTS, MAYOR

APPROVED AS TO FORM:

/s/
LEE W. HENDRICKS, CITY ATTORNEY