

(Published on the City of Augusta website www.augustaks.org
on the 19th day of October 2021)

CITY OF AUGUSTA, KANSAS

RESOLUTION NO. 2021-23

A RESOLUTION FIXING THE TIME FOR THE REPAIR
OR DEMOLITION OF A SINGLE-FAMILY RESIDENTIAL
STRUCTURE LOCATED AT 234 EAST BROADWAY
AVENUE WITHIN THE CORPORATE LIMITS OF THE
CITY OF AUGUSTA, KANSAS.

WHEREAS, the provisions of K.S.A. 12-1750 et seq. empowers the Governing Body of the City of Augusta, Kansas to cause the repair or removal of, or to remove any structure located within the corporate limits of the City of Augusta, Kansas which may have become unsafe or dangerous; and

WHEREAS, the Governing Body of the City of Augusta, Kansas, pursuant to the provisions of K.S.A. 12-1752, gave proper notice and conducted a public hearing at 7:00 p.m. on the 18th day of October, 2021 at the Augusta City Hall, 113 East 6th Avenue, Augusta, Kansas to determine whether the structure, described as a single-family residential structure located at Section 22, Township 27, Range 04E, West half of Lot 4 and Lot 5, Block L of Herman & McKitrick's Addition to the City of Augusta, Butler County, Kansas, with a commonly known address of 234 East Broadway Avenue, Augusta, Kansas, is found to be an unsafe and dangerous structure.

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

Section 1. After hearing all statements and receiving all evidence, the Governing Body of the City of Augusta, Kansas finds that the structure, described as a single-family residential structure located at Section 22, Township 27, Range 04E, West half of Lot 4 and Lot 5, Block L of Herman & McKitrick's Addition to the City of Augusta, Butler County, Kansas, with a commonly known address of 234 East Broadway Avenue, Augusta, Kansas, is found to be an unsafe and dangerous structure.

Section 2. In accordance with K.S.A. 12-1753 and 12-1754, the Governing Body of the City of Augusta, Kansas herewith directs said structure to be repaired or removed and the premises made safe and secure. As such, the owner of a structure, upon its removal, shall fill any basement or other excavation located upon the premises and take any other action necessary to leave such premises in a safe condition. The owner of said structure is given until the 17th day of November, 2021 to obtain all necessary permits and commence the removal and/or repair of said unsafe and dangerous structure and report their efforts

concerning said removal and/or repair to the Governing Body of the City of Augusta, Kansas on or before its meeting on the 15th day of November, 2021. Failure to do so or failure to diligently prosecute the same thereafter will result in repair or demolition of said structure by the City of Augusta, Kansas with the cost of the same assessed to the owner of the structure.

Section 3. In accordance with K.S.A. 12-1753 and 12-1755, if the owner fails to obtain the necessary permits and commence the removal and/or repair of said unsafe and dangerous structure on or before the 17th day of November, 2021 or fails to diligently prosecute the same until the work is completed, the City shall cause the structure to be repaired or razed and removed, make the premises safe and secure, or let the same to contract. The City shall keep an account of the cost of such work and may sell the salvage from such structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys in excess of that necessary to pay such costs and the cost of publications of notice and any postage for mailing of notice, after the payment of all costs, shall be paid to the owner of the premises upon which the structure was located.

Section 4. The City shall give notice to the owner of such structure by restricted mail of the total cost incurred by the city in removing such structure and making the premises safe and secure and the cost of providing notice. Such notice also shall state that payment of such cost is due and payable within thirty (30) days following receipt of such notice. If the cost is not paid within the thirty (30) day period and if there is no salvageable material or if moneys received from the sale of salvage or from the proceeds of any insurance policy in which the city has created a lien pursuant to K.S.A. 40-3901 et seq., and amendments thereto, are insufficient to pay the cost of such work, 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.

Section 5. This resolution shall be published in the official city newspaper and a copy mailed, within three days after its publication, by certified mail, restricted delivery in an envelope marked "deliver to addressee only", to the owner(s), any agents of the owner(s), any lienholder(s) and any occupant(s).

Adopted by the City Council this 18th day of October 2021.

Approved by the Mayor this 18th day of October 2021.




MIKE L. RAWLINGS, MAYOR

ATTEST:


ERICA L. JONES, CITY CLERK