

CITY OF AUGUSTA, KANSAS

RESOLUTION NO. 2023-10

A RESOLUTION DETERMINING THAT A NUISANCE EXISTS AT 506 NORTH OSAGE STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF AUGUSTA, KANSAS AND ORDERING THE REMOVAL AND ABATEMENT OF SAID NUISANCE.

WHEREAS, the provisions of K.S.A. 12-1617e empower the Governing Body of the City of Augusta, Kansas to determine by resolution that a nuisance exists based upon an official written statement filed with the City Clerk identifying a nuisance and stating that such nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of City; and

WHEREAS, the provisions of K.S.A. 12-1617e further empower the Governing Body of the City of Augusta, Kansas to thereupon order the owner or agent of the owner within the City of Augusta, Kansas, and if the owner or agent fails to comply with the requirements of the order, to proceed to have the things described in the order removed and abated from the lot or parcel of ground; and

WHEREAS, on the 11th day of July an official written statement was filed with the City Clerk identifying a nuisance described as follows:

Items improperly stored/constructed in yard including but not limited to wood building materials, makeshift structure in backyard, recliner in yard, furniture and other refuse items (see attached photos); and

WHEREAS, said official written statement stated that such identified nuisance is a menace and dangerous to the health of the inhabitants of the City, or of any neighborhood, family or resident of the City.

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

Section 1. After reviewing the official written statement filed with the City Clerk identifying a nuisance described as follows:

Items improperly stored/constructed in yard including but not limited to wood building materials, makeshift structure in backyard, recliner in yard, furniture and other refuse items (see attached photos)

the Governing Body of the City of Augusta, KS determines that such nuisance does exist and is a menace and dangerous to the health of the inhabitants of the City of Augusta, Kansas, and/or of a neighborhood, family or resident of the City of Augusta, Kansas.

Section 2. The Governing Body of the City of Augusta, Kansas herewith orders the owner and/or agent of the owner of the property located at AUGUSTA, ORIG TOWN, S27, T27, R04E,

LOT 3 BLK 28 EXC BEG NE/C W17 SLY50 E17 N50 TO POB (SCALED), with a commonly known address of 506 North Osage, Augusta, Kansas to remove and abate from said property, on or before the 17th day August 2023 the nuisance described as follows:

Items improperly stored/constructed in yard including but not limited to wood building materials, makeshift structure in backyard, recliner in yard, furniture and other refuse items (see attached photos)

Failure to do so may result in removal and abatement of said nuisance by the City of Augusta, Kansas with the cost of the same assessed to the owner of the property.

Section 3. Before the expiration of the above-stated ten (10) day time period or any extension thereof, the recipient thereof may request a hearing before the City Manager of the City of Augusta, Kansas. The governing body of the City of Augusta, Kansas hereby authorizes the City Manager to grant written extensions of the above stated ten-day time period if the owner and/or agent of the owner of the property demonstrates that due diligence is being exercised in abating the nuisance.

Section 4. If, at the expiration of the above-stated ten (10) day time period or final extension thereof, the above-described nuisance is not successfully removed and abated by the owner or agent of the owner, the City of Augusta, Kansas shall proceed to have said nuisance removed and abated from the lot or parcel of ground. Any motor vehicle determined to be a nuisance which is removed and abated from property other than public property or property open to use by the public will be disposed of in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto.

Section 5. If the City abates or removes the above-described nuisance, the City shall give notice to the owner or agent of the owner by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City. 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 of such removal or abatement and all necessary notice, including any postage, is not paid within the thirty (30) day period, the cost shall be collected in the manner provided by K.S.A. 12-1, 115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located.


Section 6. In accordance with K.S.A. 12-1617e, this Resolution shall be served on the owner or agent of the owner of the property by mailing it via certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, this Resolution shall be served by mailing it via certified mail, return receipt requested, to the last known address of the owner. Additionally, in accordance with K.S.A. 12-1617e, if the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding twenty-four month period, this Resolution shall be served by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If such failure to accept delivery or effect receipt has occurred, the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.

Adopted by the City Council this 7th day of August 2023.

Approved by the Mayor this 7th day of August 2023.


MIKE L. RAWLINGS, MAYOR

ATTEST:


ERICA L. JONES, CITY CLERK



NOTICE OF SERVICE

I certify that on this 7th day of August 2023, a copy of the foregoing Resolution was served on Ian M. Poulos, as the owner or agent of the owner of the property, and whose address is 739 SW100th Street Augusta, KS 67010 and tenant Amber Goff whose address is 506 North Osage Street Augusta, KS 67010,

by:

mailing it via certified mail, return receipt requested, to the above address;

Personal service;