

**RESOLUTION NO. 2019-2**

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED AT S34, T34,R21, LOTS 21-24 & W ½ OF VAC. ALLEY E & ADJ. BLOCK 58, A 1 CHETOPA ORIG CITY, IN THE CITY OF CHETOPA, LABETTE COUNTY, KANSAS, COMMONLY KNOWN AND REFERRED TO AS 321 CHERRY STREET, IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURES BE REMOVED AND THE PREMISES MADE SAFE AND SECURE.

WHEREAS, the Enforcing Officer of the City of Chetopa, Kansas did on the 4<sup>th</sup> day of December 2018, file with the governing body of said City a statement in writing that certain structures, hereinafter described, were unsafe and dangerous; and,

WHEREAS, the governing body did by Resolution No. 2018-3 dated the 4<sup>th</sup> of December 2018, fix the time and place of a hearing at which the owner, his or her agent, and lien holders, any occupants and all other parties of interest of such structure could appear and show cause why such structure should not be condemned and ordered repaired or demolished and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 2018-3 was published in the official city paper on the 12<sup>th</sup> day of December 2018 and on the 19<sup>th</sup> day of December 2018, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on this 5<sup>th</sup> of February 2019, the governing body did conduct the hearing scheduled in Resolution No. 2018-3 and took evidence from the following: Enforcing Officer Police Chief Scott Feagan and Domwic Willey representing owner John D. Harris at the request for Harris daughter Donna Harris.

1. The governing body hereby finds that the structure located at:

S34, T34, R21 Lots 21-24 & W ½ vac alley E & Adj Blk 58, A 1 Chetopa Orig City

And commonly known and referred to as 321 Cherry St., Chetopa, Kansas, is unsafe and dangerous and directs that such structures are to be removed and the premises made safe and secure.

2. The owner of such structures is hereby directed to commence the removal of the property within 30 days from the date of publication of this resolution (not later than the 29<sup>th</sup> day of March 2019) and to have the removal completed within 90 days of the date of commencement (not later than the 27<sup>th</sup> day of June 2019). Provided, that upon due application by the owner and for good cause shown, the governing body, in its sole discretion, may grant the owner additional time to complete the removal of the property.

3. If the owner fails to commence the removal of the structures within the time stated herein, or any additional time granted by the governing body, or fails to diligently prosecute the same until the work is completed, the governing body will cause the structures to

be razed and removed and the cost of razing and removing, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1,1115, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structures are located or by both, all as provided by law.

BE IT FURTHER RESOLVED that if the owner fails to commence the removal of the structures within the time provided herein or fails to diligently prosecute the same, the governing body may take such further action as it deems necessary to raze and remove the structures without further notice to the owner or other parties in interest.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the owners, agents, lien holders, occupants, and other parties in interest.

Adopted this 19<sup>th</sup> day of February 2019.

---

Mayor

(Seal)  
ATTEST:

---

City Clerk