

## RESOLUTION 2019-011

### A RESOLUTION FINDING THAT THE STRUCTURE LOCATED ON LOT TEN (10), BLOCK EIGHTY-FOUR (84), OF THE CITY OF PAOLA, MIAMI COUNTY, KANSAS COMMONLY KNOWN AS 402 W PIANKISHAW, PAOLA, KANSAS, IS UNSAFE OR DANGEROUS AND DIRECTING THE STRUCTURE TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE

**WHEREAS**, the Enforcing Officer of the City of Paola, Kansas did on the 9th day of July, 2019, file with the Governing Body of said City a statement in writing that a certain structure, hereinafter described, was unsafe and dangerous; and

**WHEREAS**, the Governing Body did by Resolution No. 2019-007 dated the 9th day of July, 2019, fix the time and place of a hearing at which the owner, his or her agent, any lienholders of record and any occupant 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**, such Resolution was published in the official city paper on the 17th day of July, 2019 and on the 24th day of July, 2019, and a copy of such Resolution was served on all persons entitled thereto in all respects as provided by law; and

**WHEREAS**, on this 10th day of September, 2019, the Governing Body has heard all evidence submitted by the Enforcing Officer of the City, the owners, agents, lienholders and occupants of such structure.

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

1. That said Governing Body hereby finds that the structure located on Lot 10, Block 84 in the City of Paola, Miami County, Kansas, commonly known as 402 W Piankishaw, Paola, Kansas, is unsafe and dangerous and hereby directs such structure to be repaired or removed and the premises made safe and secure. All repairs shall be made and completed in accordance with the adopted building codes for the City of Paola.
2. The owner of such structure is hereby directed to commence the repair or removal of the property within 55 days (November 12, 2019) from the date of publication of this resolution. 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 repair or removal of the property.
3. If the owner fails to commence the repair or removal of the structure 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 building to be repaired or removed and the costs of repair or removal, less salvage if any, shall be collected in the manner provided by KSA 12-1-115, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located as provided by KSA 12-1755, and amendments thereto, or by both, all as provided by law.

**BE IT FURTHER RESOLVED**, that if the owner fails to commence the repair or removal of the structure 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 repair or raze and remove the structure without further notice to the owner or other parties of interest.

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

**ADOPTED** this 10th day of September, 2019.

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Artie Stuterville, Mayor

ATTEST: [seal]

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Stephanie Marler, City Clerk

## CERTIFICATE OF MAILING

STATE OF KANSAS }  
COUNTY OF MIAMI } } SS:  
CITY OF PAOLA } }

I, Stephanie Marler, City Clerk for the City of Paola, Miami County, Kansas, do hereby certify that I caused a true and correct copy of Resolution No 2019-011, finding the structure located on Lot 10, Block 84 in the City of Paola, Miami County, Kansas, commonly known as 402 W Piankishaw, Paola, Kansas, is unsafe and dangerous and hereby directs such structure to be repaired or removed and the premises made safe and secure and to be served upon each of the persons or entities named herein by placing the same in the United States mail as certified mail marked a "deliver to addressee only", in individual envelopes on the 18th day of September, 2019, and addressed as follows:

Legal description: Lot Ten (10), Block 84, City of Paola, Miami County, Kansas.

Street Address: 402 W Piankishaw St., Paola, KS 66071

Owner: Anthony G. Perry & Pamela R Perry  
2327 Millie Christine Rd  
Whiteville, NC 28472

Owner's Agent: None known.

Occupant(s): None known.

Lienholder(s): None of record

Other Parties of interest: None known.

(Copy of Resolution also posted at the physical property address on September 18, 2019)

Said persons or entities being the owner, his or her agent, lienholders of record, occupants and all other parties in interest of the structure described in said resolution, who may appear and show cause why such structure should not be condemned and ordered repaired or demolished.

The receipts of certified mailings are attached hereto.

In witness whereof, I have set my hand and seal this 18th day of September, 2019.

[SEAL]

Stephanie Marler, City Clerk