

## **RESOLUTION 2019-012**

### **A RESOLUTION TO GRANT AN ADDITIONAL 154 DAYS TO COMPLETE REPAIRS ON THE STRUCTURE LOCATED ON LOT 2, BLOCK 46, OF THE CITY OF PAOLA, MIAMI COUNTY, KANSAS COMMONLY KNOWN AS 115 W WEA, PAOLA, KANSAS,**

**WHEREAS**, on October 9, 2018 the Governing Body of the City of Paola, Kansas adopted Resolution No 2018-010 setting the Public Hearing for December 11, 2018 regarding the structure located at 115 W Wea; and

**WHEREAS**, Resolution No 2018-013 was adopted December 11, 2018, by the Governing Body of the City of Paola, Kansas finding that the structure located on Lot 2, Block 46 in the City of Paola, Miami County, Kansas, commonly known as 115 W Wea, Paola, Kansas, as unsafe and dangerous and hereby direct such structure to be repaired and the premises made safe and secure. All repairs to commence by February 12, 2019 and be completed within 120 days of commencement in accordance with the adopted building codes for the City of Paola; and

**WHEREAS**, Resolution No. 2018-013 was published in the official city paper on the 19<sup>th</sup> day of December, 2018, and on the 19<sup>th</sup> day of December, 2018, a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

**WHEREAS**, the owners of record, Thomas and Jennifer Wright, on February 6, 2019, obtained a demolition permit to commence material and trash removal; and

**WHEREAS** on the 11<sup>th</sup> day of June, 2019, the Governing Body adopted Resolution No. 2019-004, allowing an additional 28 days to complete repairs on the structure located at 115 W. Wea and to appear before the council at the next regular council meeting on July 9, 2019, to give a report on the progress of the structure repair.

**WHEREAS**, on the 9<sup>th</sup> day of July, 2019 the Governing Body adopted Resolution No 2019-008, allowing an additional 89 days to have the repairs completed to make the structure safe and secure. Provided, that upon due applications by the owner and for good cause shown, the Governing Body may grant additional time to complete repairs. The building inspector will complete a site check monthly and report back to the Governing Body and the owner agrees to attend the regular council meeting on October 8, 2019 to report on the progress; and

**WHEREAS**, on this 8<sup>th</sup> day of October, 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 grants the owner additional time to complete repairs on the structure located on Lot 2, Block 46 in the City of Paola, Miami County, Kansas, commonly known as 115 W Wea, Paola, Kansas.

2. The owner of such structure is hereby granted an additional 154 days to have the repairs completed to make the structure safe and secure. Provided that the owner submits plans and obtain a building permit as soon as possible. Also 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 repairs to the property.
3. If the owner fails to commence the repair 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 the owner shall appear before the council at the regular council meeting on March 10, 2020, to give a report on the progress of the structure repair.

**BE IT FURTHER RESOLVED**, that if the owner fails to commence the repair 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 8th day of October, 2019.

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Artie Stuteville, 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 2019-012, governing body grants additional time for repairs to the structure commonly known as 115 W Wea, Paola, Kansas, 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 16th day of October, 2019, and addressed as follows:

Legal description:	Part of Lot 2 of Block 46, of the City of Paola, Kansas, more fully described as follows: Beginning 22 feet West of the Northeast corner of Lot 2, in Block 46, in the City of Paola; thence West 22 feet; thence South 127 ½ feet; thence East 22 feet; thence North 127 ½ feet to place of beginning, all in Miami County, Kansas.
Street Address:	115 West Wea, Paola, KS 66071
Owners:	Thomas and Jennifer Wright 14 S Silver Paola, KS 66071
Owner’s Agent:	None known.
Occupant(s):	None
Lienholder(s):	None

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 16th day of October, 2019.

[SEAL]

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Stephanie Marler, City Clerk