

## **ORDINANCE NO. 802**

AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT ALL OF LOT TWENTY-FIVE (25), EXCEPT THE WEST SIX (6) FEET OF SAID LOT 25, AND ALL OF LOT TWENTY-SIX (26), ALL IN BLOCK FOUR (4), IN THE CITY OF WASHINGTON, WASHINGTON COUNTY, KANSAS, ALSO KNOWN AND REFERRED TO AS 111 W. 1<sup>ST</sup> STREET IN THE CITY OF WASHINGTON, KANSAS; AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURE, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY; AND, THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS OR PARCELS OF LAND ON WHICH SUCH STRUCTURES ARE LOCATED.

**WHEREAS**, the governing body did, after proper notice and hearing as provided by law, make findings by Resolution No. 2019-07, dated April 1, 2019, that the structures hereinafter described are unsafe, dangerous, unfit for human habitation, and a blighting influence on the surrounding community, and did direct the owner of such structures to repair or remove the same and make the premises safe and secure, together with a statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structures to be razed and removed; AND

**WHEREAS**, such resolution was published in the official city newspaper and a copy of such resolution was mailed to the owner, agent, lienholder of record and occupant of such structures and all other parties having any legal or equitable interest in the property, or was otherwise served as required by law; AND,

**WHEREAS**, the owner has wholly failed to commence the repair or removal of said structures;

**NOW THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WASHINGTON, KANSAS:

**Section One.** The enforcing officer is hereby authorized and directed to cause the structures located at All of Lot Twenty-five (25), except the West Six (6) feet of said Lot 25, AND All of Lot Twenty-six (26), ALL in Block Four (4), in the City of Washington, Washington County, Kansas, also commonly known and referred to as 111 W. 1<sup>st</sup> Street of said city to be razed and removed and the premises made safe and secure, and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

**Section Two.** The enforcing officer shall keep an account of the costs of the work and may sell salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

**Section Three.** All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such cost shall, after the payment of all costs, be paid to the owner and the premises upon which said structures were located; PROVIDED, that if there is no salvage or if the proceeds received from the sale of salvage are insufficient to pay the costs of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots or parcels of land on which the structures were located and may be financed until the assessment is paid out of the general fund of the city and/or may be pursued as a personal debt pursuant to the procedure allowed under K.S.A. 12-1, 115 and any amendments thereto.

**Section Four.** This ordinance shall be in full force and effect from and after its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body this 1<sup>st</sup> day of July, 2019.

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Ryan W. Kern, Mayor

ATTEST:

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Denise M. Powell, City Clerk