



**REQUEST FOR COMMISSION ACTION**  
**CITY OF INDEPENDENCE**  
**December 12, 2019**

**Department** Safety & Code Enforcement

**Director Approval** David Cowan

**AGENDA ITEM** Public Hearing to consider condemnation of 301 Cement Street.

**SUMMARY RECOMMENDATION** City staff recommends condemning this property as dangerous and unsafe.

**BACKGROUND** The City of Independence staff has been reviewing 54 properties identified by Montgomery County as unsound. The City of Independence has made contact with the owner of record to determine their intention with this property and received the attached notice to proceed with clearing the property.

**BUDGET IMPACT** The budget impact would consist of the cost of demolition if the owner does not diligently pursue repair or removal.

**SUGGESTED MOTION** I move that 301 Cement Street be condemned as dangerous and unsafe.

**SUPPORTING DOCUMENTS**

1. Pictures
2. Owner Letter
3. Resolution













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**NOTICE OF CONDEMNATION CONSIDERATION**

May 13, 2019

Danielle Brown  
961 Seven Oaks Blvd  
Apt. 4102  
Smyrna, Tn 37167

Dear Sir:

The City of Independence is contacting you about your property located at **301 S. Cement** in the City of Independence. This property has been identified by Montgomery County appraiser office as unsound property. The City of Independence conducted an inspection of this property April 18, 2019. We found the property to be:

- Vacant
- No Utilities
- Broken Windows
- Roof Poor conditions

The City of Independence is hereby notifying you that prior to starting condemnation proceedings on this property, we would ask that you consider the following options and provide the City of Independence with your intentions for the property.

Options for this property:

Property is unsound and I wish to proceed with clearing of the property and will sign a release allowing the City to proceed with removal of the structure.

I desire to rehab the property and will submit a time-line of repairs to the City Building Inspector outlining my plan to rehab the house within the next 12 months.

I would like to set a time to meet with City Officials and review the property and discuss options.

I (owner) will proceed with removal of the property and request information on demolition permit process.

If the City of Independence does not hear from you by May 31, 2019, we will be considering condemnations proceeding on this property.

Please contact:      David Cowan  
                          811 W. Laurel St. - Independence, Ks. 67301  
                          620-332-2528 office    620-330-0056 cell  
                          [davidc@independenceks.gov](mailto:davidc@independenceks.gov) - email

Thank You,  
David Cowan

## RESOLUTION NO. 2019-053

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description

Lot 1; North 25' of Lot 2, Block 1, Chaney's 2<sup>nd</sup> Addition to the City of Independence, Montgomery County, Kansas

Common Address

301 S Cement

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 26<sup>th</sup> day of September, 2019, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2019—040**, dated **September 26, 2019**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 4, 2019 and October 11, 2019**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

## RESOLUTION NO. 2019-053

### Legal Description

Lot 1; North 25' of Lot 2, Block 1, Chaney's 2<sup>nd</sup> Addition to the City of Independence, Montgomery County, Kansas

### Common Address

301 S Cement

### Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 12<sup>TH</sup> day of December, 2019.

(SEAL)

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Mayor

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City Clerk