



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 9, 2020

Department Finance

Director Approval Lacey Lies

AGENDA ITEM Consider authorizing the abatement of nuisance taxes for 324 S. 17th.

SUMMARY RECOMMENDATION Director of Finance recommends the abatement of nuisance assessments for the property as follows:

S/2 W/2 Lot 76, Glenwood Addition – 324 S. 17th - \$400.00

BACKGROUND The City assessed nuisance taxes on these vacant lots for 2014 mowing charges on March 10th, 2015. This lot was deeded to the Community Foundation for Independence (CFFI) in 2016 and an exempt status was obtained for the property for tax years 2016 and beyond. The property is used for a charitable purpose as a community orchard. CFFI is asking the Commission to release the lien and remove the mowing violation fee of \$400.00, since they were not the owner of the property at the time and has since kept up on the property's maintenance.

BUDGET IMPACT The abatement of the nuisance taxes would have negligible impact on the City budget.

SUGGESTED MOTION I move to abate the nuisance taxes on 324 S. 17th.

SUPPORTING DOCUMENTS

1. Release of Lien
2. Request

RELEASE OF LIEN FOR NUISANCE ABATEMENT

COMES NOW, the City of Independence, Kansas, a municipal Corporation, and hereby releases its lien for recovery of costs relating to nuisance abatement as assessed pursuant to City Ordinance No. 4193 as it pertains to the following property.

S/2 W/2 Lot 76, Glenwood Addition, City of Independence,
Montgomery County, Kansas (commonly known as 324 South 17th,
Independence, Kansas)

CITY OF INDEPENDENCE, KANSAS

By: _____
_____, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk

STATE OF KANSAS)

) SS:

MONTGOMERY COUNTY)

BE IT REMEMBERED, That on this 9th day of January, 2020, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared LOUIS YSUSI, Mayor, and DAVID W. SCHWENKER, City Clerk, of the CITY OF INDEPENDENCE, KANSAS, a municipal corporation duly organized, incorporated and existing under and by virtue of the laws of the State of Kansas, and who are personally known to me to be the same persons who executed, the above and foregoing instrument of writing on behalf of said corporation, and such persons acknowledged the execution of the same to be the act and deed of said CITY OF INDEPENDENCE, KANSAS.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year last above written.

NOTARY PUBLIC

My commission expires:

From: [Cole Hoffmeister](#)
To: [Kelly Passauer](#)
Subject: Nuisance Fees
Date: Friday, December 27, 2019 11:10:05 AM
Attachments: [Scan Dec 27, 2019 at 9.41 AM.pdf](#)

Kelly:

I'm on the Community Foundation for Independence (CFFI) Board and was made aware of a tax issue on property (vacant lot – South 17th Street) that was deeded to CFFI for use as a community orchard. I assisted CFFI obtain tax exempt status on the property for 2016 and all future years. CFFI was not made aware of any delinquent taxes owed on the property prior to 2016 until we received the attached letter indicated that a tax sale would occur if 2015 taxes are not paid.

I called the county treasurer and they advised that \$537.39 of the \$606.30 owed was for city of Independence nuisance fees probably for mowing/cleaning up the lot prior to CFFI taking ownership. I have talked to the CFFI Board and I believe we would like to pay the delinquent taxes owed, but was hoping the City would consider waiving the nuisance fees, as they occurred prior to CFFI's ownership.

The property is used for a charitable purpose as a community orchard with free access to anyone. CFFI would greatly appreciate any consideration the City could give to potentially waiving or forgiving these nuisance fees.

Please let me know if there's any additional information I can provide.

Cole A. Hoffmeister
EMERT CHUBB REYNOLDS, LLC
204 East Laurel - P. O. Box 747
Independence, KS 67301
620-331-1800; 620-331-1807-fax
Email: coleh@sehc-law.com

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Commo058.

Nancy Clubine
Montgomery County Treasurer
P O Box 767
Independence, Ks 67301
620-330-1100

October 28, 2019

Tract Number IC 00253741

Address S 17th St.

Owner: Community Foundation
for Independence,

Address: Po Box 1003

Independence KS 67301

Dear Taxpayer:

Kansas Statutes require that all real estate, upon which there are delinquent taxes unpaid for a period of three (3) years in the office of the County Treasurer, shall be sold by the sheriff at a public sale to the highest bidder.

In checking the tax rolls, we find delinquent taxes for the years of 2015 on property in your name. Unless the taxes are paid, this property will be advertised and sold by the Montgomery County Sheriff.

If you are unable to pay all of the delinquent taxes at this time, you will need to pay at least the 2014 and 2015 taxes plus interest no later than December 31, 2019, to keep your property from being included in the tax sale. Payment **MUST** be in the form of cash, cashiers check or money order. The tax sale properties must be abstracted and this process will begin on January 2, 2020. An abstract fee will be charged as well as the delinquent taxes and interest. After the properties have been abstracted the tax sale will be turned over to the County Counselor who will file a petition with the court. After the petition has been filed all of the delinquent taxes, interest, court costs and abstract fees must be paid to keep your property from being sold.

Please contact our office at 620-330-1100 for the amount due. Please return this letter with your payment to insure proper credit is given to the correct property.

Sincerely,

Nancy Clubine

Montgomery County Treasurer

TO AVOID YOUR PROPERTY BEING INCLUDED IN THE TAX SALE ALL 2014 AND 2015 TAXES MUST BE PAID IN FULL BY DECEMBER 31, 2019.