REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
April 9, 2020

Department Safety & Code Enforcement **Director Approval** *David Cowan*

AGENDA ITEM Consider adopting a resolution setting the date of June 25, 2020, 2020 for a public hearing to consider condemnation of 801 E. Birch Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City staff recommends setting a public hearing date to consider condemning this property as dangerous and unsafe.

BACKGROUND On March 15, 2020, this structure was involved in a fire that damaged the walls, floors, and attic with smoke and heat. Based on the damage throughout the structure the house is uninhabitable. The house was vacant at the time of the fire.

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 to adopt a resolution setting the date of June 25, 2020 at 5:30 p.m. for a public hearing to consider condemnation of the fire-damaged structure at 801 E. Birch Street.

SUPPORTING DOCUMENTS

1. Pictures
2. Resolution

Consider setting the date of June 25, 2020 for a public hearing to consider condemnation of 801 E Birch Street as dangerous and unsafe.

Consider setting the date of June 25, 2020 for a public hearing to consider condemnation of 801 E Birch Street as dangerous and unsafe.

RESOLUTION NO. 2020-016

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, OF WHICH OWNERS, OWNERS AGENTS, LIEN HOLDERS OF RECORD AND ANY OCCUPANTS, IF ANY, OF THE STRUCTURE OR STRUCTURES IDENTIFIED BELOW, IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SAID STRUCTURE OR STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED PURSUANT TO K.S.A. 12-1751 ET. SEQ.

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 9th day of April 2020, file with the Governing body of said City, statements and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

Legal: Lot 32 & 33; Aganippe Park Addition to the City of Independence, Montgomery County, Kansas

Common Address: 801 E Birch Street

Mortgage:

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

That a public hearing will be held on Thursday**, June 25, 2020** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in the Veterans Room, Memorial Hall, Penn Ave. and Locust Streets, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

Be it further resolved that the City Clerk shall cause this Resolution to be published one time each week for two consecutive weeks on the same day of each week, that at least thirty (30) days shall elapse between the last publication and the date set for hearing and the City Clerk shall give notice of the aforesaid hearing in the manner provided by Ordinance and by law.

Be it further resolved by the Governing Body of the City of Independence that its authority for the actions set forth herein is established pursuant to K.S.A. 12-1751 ET. SEQ.

Adopted this 9th day of April 2020.

(SEAL)

_____
Mayor

_____
City Clerk