



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
June 25, 2020

Department Safety & Code Enforcement

Director Approval *David Cowan*

AGENDA ITEM Public Hearings to consider condemnation of the following structures as dangerous and unsafe:

1. 801 E. Birch Street
2. 1008 W. Laurel Street
3. 1208 N. 6th Street

SUMMARY RECOMMENDATION

1. City staff recommends condemnation of 801 E. Birch Street as dangerous and unsafe.
2. City staff recommends adopting a resolution rescinding the condemnation of 1008 W. Laurel Street and returning any insurance proceeds being held.
3. City staff recommends adopting a resolution rescinding the condemnation of 1208 N. 6th Street and returning any insurance proceeds being held.

BACKGROUND

801 E. Birch Street -- 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 building department was initially informed that the owner would make repairs to the home. However, the owner has now relocated to Claremore, Ok and work has stopped.

1008 W. Laurel Street -- This structure was involved in a fire on January 31, 2020. The fire caused substantial damage to the structure and wiring of the house. The owner has been diligently pursuing repairs and passed the housing inspection on June 18, 2020.

1208 N. 6th Street -- The structure was involved in a fire on April 10, 2020, that destroyed the house. The owner of the house worked with a private contractor to remove the structure and clear the lot. The work has been completed and the sewer line capped.

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

SUGGESTED MOTIONS

1. 801 E. Birch Street -- I move to adopt a resolution condemning 801 E. Birch Street as dangerous and unsafe.
2. 1008 W. Laurel Street – I move to adopt a resolution rescinding the condemnation of 1008 W. Laurel Street and authorize returning any insurance proceeds being held by the City.
3. 1208 N. 6th Street -- I move to adopt a resolution rescinding the condemnation of 1208 N. 6th Street and authorize returning any insurance proceeds being held by the City.

SUPPORTING DOCUMENTS

1. Pictures
2. Resolutions
3. Letters

801 E. Birch



801 E. Birch



801 E. Birch



RESOLUTION NO. 2020-026

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

Common Address

801 E Birch Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 9th day of April, 2020, 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. #2020—016**, dated **April 9, 2020**, 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 **April 15, 2020 and April 22, 2020**, 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. 2020-026

Legal Description

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

Common Address

801 E Birch Street

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 25th day of June, 2020.

(SEAL)

Mayor

City Clerk



June 18, 2020

Jennifer Hoelscher
2000 Fredrick Rd Bld V
Apartment 4
Claremore, Ok 74019

Dear Ms. Hoelscher:

The structure located at 801 East Birch is set for a Public Hearing for consideration of condemnation on June 25, 2020, at 5:30 p.m.

I was informed that you have abandoned this house and do not have any intention of continuing improvements to this structure. To avoid condemnation of this property, I need you to make contact with me and provide the following information.

1. If you have plans to fix the house?
 - a. If yes, I need a timeline of repairs. Please submit in writing.
2. If you have no plans to make further repairs, can you please sign and notarize the attached form, which allows the City to proceed with the removal of the structure.

The City Commission meeting is located in the Civic Center at 410 N. Penn Ave, and you are welcome to speak to the commission during the public hearing on this property.

If you have any questions or concerns, please feel free to contact me at 620.332.2528 or davidc@independceks.gov. If I do not hear from you or you are not present at the hearing, I will proceed with requesting the commission to approve condemnation of the structure.

Thanks,

David Cowan, Building Inspector

1008 W. Laurel Street



RESOLUTION NO. 2020-038

A RESOLUTION RESCINDING A PREVIOUS RESOLUTION WHICH SET A HEARING DATE TO CONSIDER CONDEMNATION

WHEREAS, the Governing Body of the City of Independence, Kansas, previously adopted a resolution setting a hearing to consider condemning certain property located within the City as being dangerous and unsafe;

AND WHEREAS, the owner of said property has taken steps to make repairs and/or improvements to the property.

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

The resolution setting a hearing to consider condemning the following described property as being dangerous and unsafe is hereby rescinded and the property is released from all condemnation proceedings:

Legal Description

Lot 10, Excluding the West 2', Block 13, York & Wilsons Addition to the City of Independence, Montgomery County, Kansas

Common Address

1008 W. Laurel Street

Mortgage

Adopted this 25th day of June, 2020.

(SEAL)

Mayor

City Clerk



1016

1012

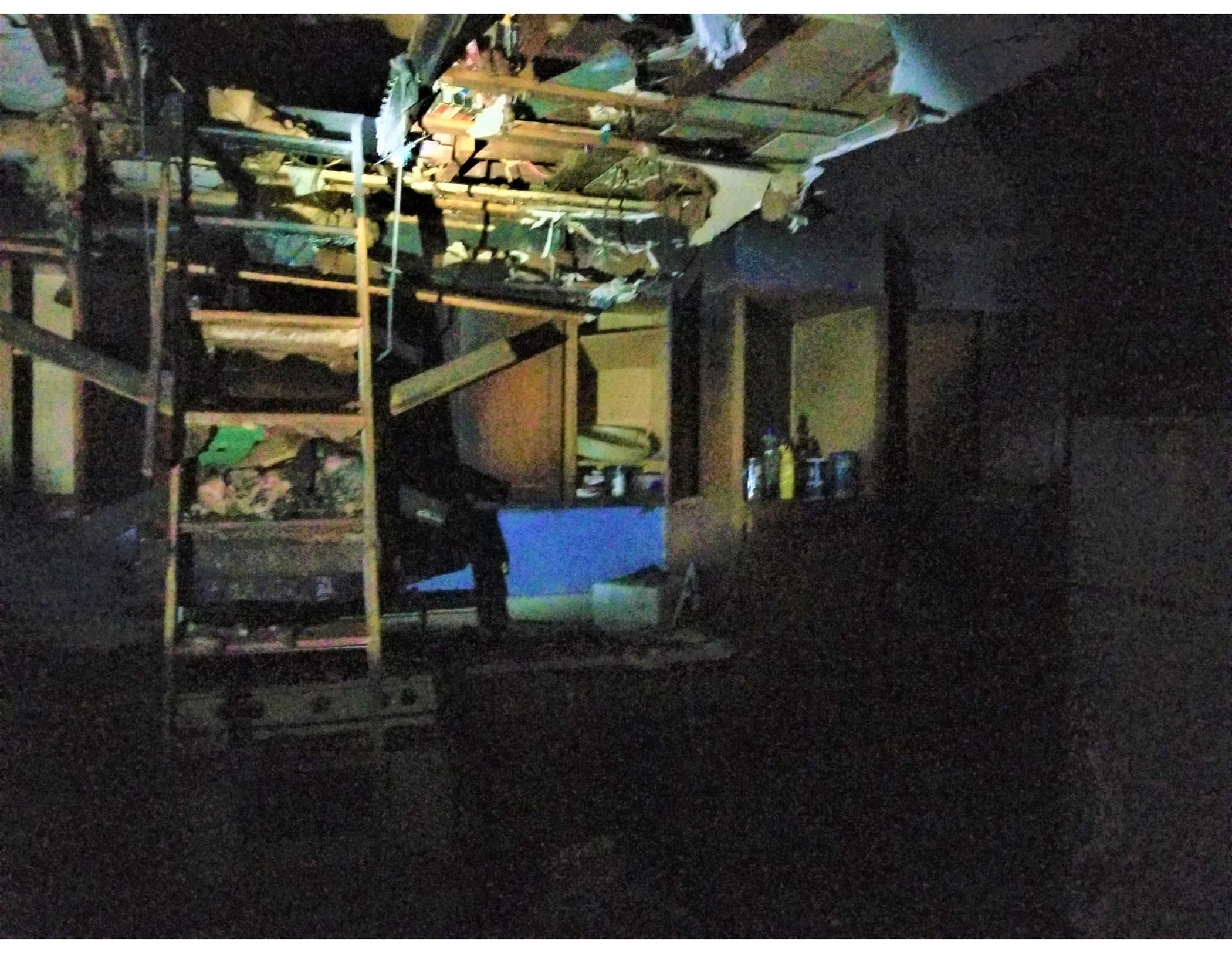
1008

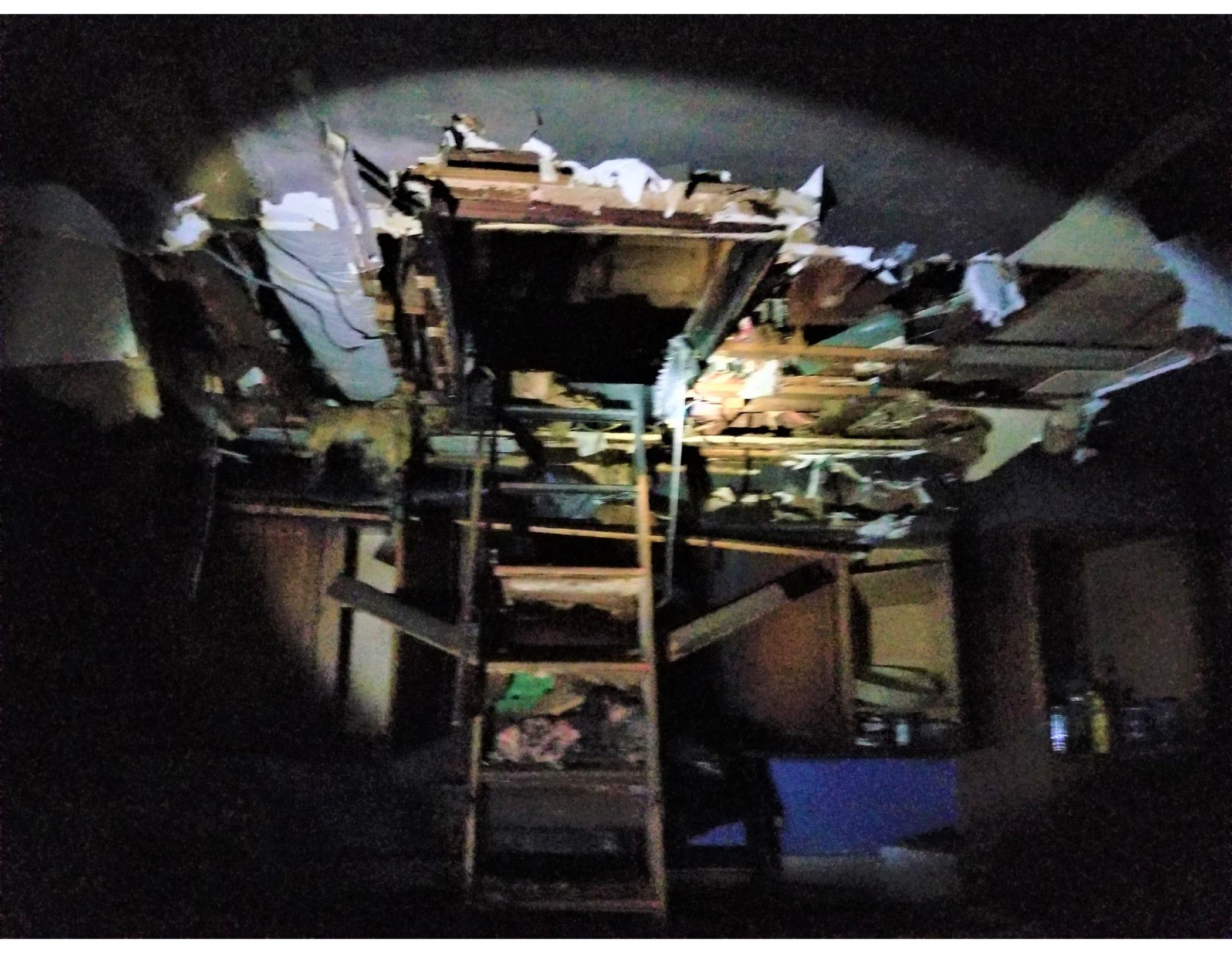
1004

1000

West Laurel Street

North 16th Street





1208 N. 6th
Street



RESOLUTION NO. 2020-037

A RESOLUTION RESCINDING A PREVIOUS RESOLUTION WHICH SET A HEARING DATE TO CONSIDER CONDEMNATION

WHEREAS, the Governing Body of the City of Independence, Kansas, previously adopted a resolution setting a hearing to consider condemning certain property located within the City as being dangerous and unsafe;

AND WHEREAS, the owner of said property has taken steps to make repairs and/or improvements to the property.

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

The resolution setting a hearing to consider condemning the following described property as being dangerous and unsafe is hereby rescinded and the property is released from all condemnation proceedings:

Legal Description

Block 2, Lot 9, Corwins Addition to the City of Independence, Montgomery County, Kansas

Common Address

1208 N. 6th Street

Mortgage

Adopted this 25th day of June, 2020.

(SEAL)

Mayor

City Clerk