



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
February 25, 2021

Department Building Inspector

Director Approval Tyler Henry

AGENDA ITEM Public Hearing for 801 East Birch Street, 2009 ½ North Penn. Ave., & 1020 West Myrtle Street.

SUMMARY RECOMMENDATION City staff recommends adjourning the public hearing for 120 days regarding 801 E. Birch & 2009 ½ N. Penn. City staff recommends setting a public hearing date of June 24, 2021, to consider condemning 1020 W. Myrtle as dangerous and unsafe.

BACKGROUND The City of Independence has set the above structures for a public hearing to consider condemnation as dangerous and unsafe.

1. 801 E. Birch Street
 - a) Alicia Florio is working on rehabilitation of this structure. City Staff recommends adjourning for 120 days.
2. 2009 ½ N. Penn Avenue
 - a) Michael Morris has provided a timeline for repairs of this structure. City Staff recommends adjourning for 120 days.
3. 1020 W. Myrtle Street
 - a) A previous potential buyer has returned the house back to Paul Horvath, and there has been no work done on the structure and Mr. Horvath will not return calls or meet with the building inspector. Staff recommends condemning this house as dangerous and unsafe.

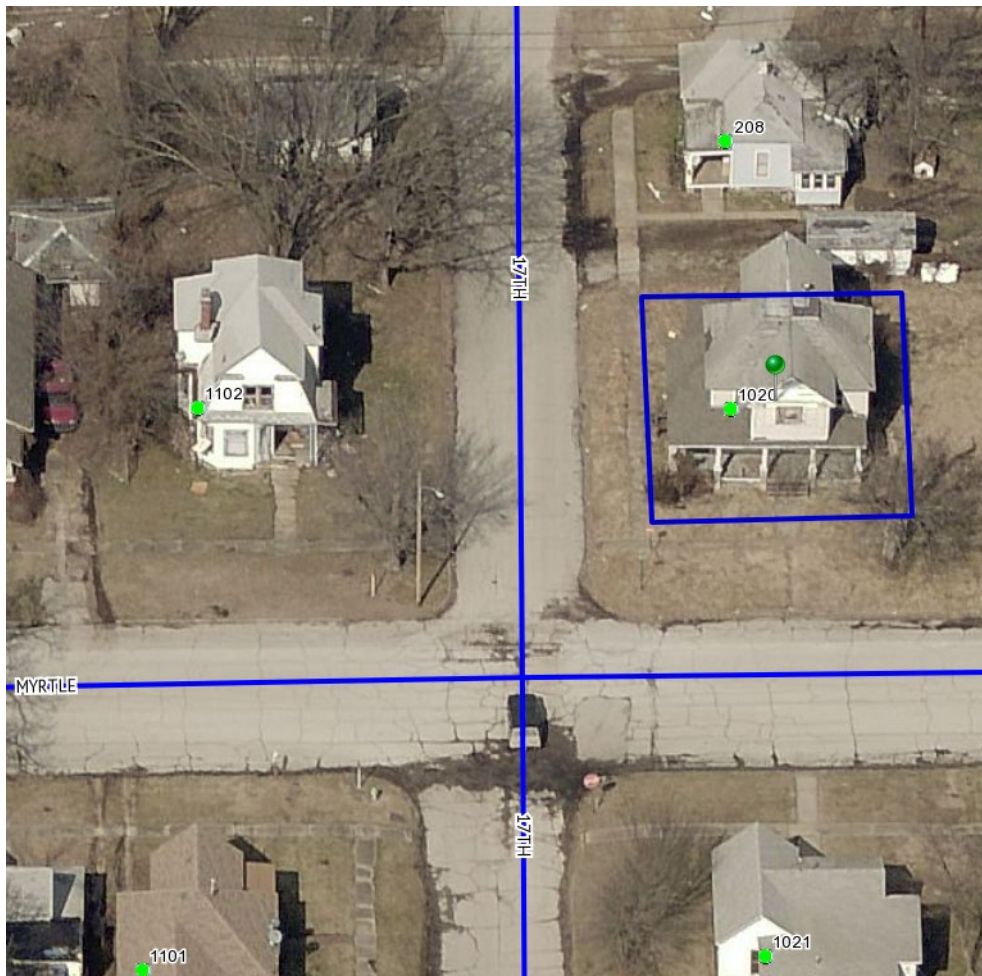
SUGGESTED MOTIONS

1. 801 E. Birch
 - a) I move to adjourn the Public Hearing until June 24, 2021 at 5:30 PM.
2. 2009 ½ N. Penn
 - a) I move to adjourn the Public Hearing until June 24, 2021 at 5:30 PM.
3. 1020 W. Myrtle
 - a) I move to adopt a resolution condemning 1020 W. Myrtle Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. Photo of 1020 W. Myrtle Street
2. Resolution for 1020 W. Myrtle Street

1020 W. Myrtle Street



RESOLUTION NO. 2021-006

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

The South 92 feet of Lot 7, Block 4, Concannon's Addition to the City of Independence, Montgomery County, Kansas

Common Address

1020 W Myrtle Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 25th day of June, 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—032**, dated **June 25, 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 **July 2, 2020 and July 9, 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. 2021-006

Legal Description

The South 92 feet of Lot 7, Block 4, Concannon's Addition to the City of Independence, Montgomery County, Kansas

Common Address

1020 W Myrtle 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 February, 2021.

(SEAL)

Mayor

City Clerk