



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
January 9, 2020

Department Safety and Code Enforcement

Director Approval David Cowan

AGENDA ITEM Rescind Condemnation 1701 N. 10th.

SUMMARY RECOMMENDATION City Staff is recommending the City Commission rescind the condemnation of 1701 N. 10th.

BACKGROUND On August 4, 2018 this an apartment building (#4) at 1701 N. 10th Street was involved in a fire that destroyed four apartment units and damaged two adjoining apartments. On August 23, 2018 the City Commission adopted a resolution setting a public hearing for October 24, 2018 to consider condemnation of this property as dangerous and unsafe. Since that time work has been progressing, therefore, the public hearing has been adjourned several times.

Belmont Management Co, Inc. has now completed repairs to the property and the City of Independence issued a certificate of occupancy on December 9, 2019. Belmont Management is requesting the City of Independence release funds being held as part of the condemnation process. Although a resolution condemning this property was not adopted, there was a resolution filed with the Register of Deeds when the property was originally scheduled for a public hearing. Therefore, in order to ensure there are no documents clouding the title it is recommended to adopt a resolution rescinding condemnation action which will also be filed with the Register of Deeds.

BUDGET IMPACT N/A

SUGGESTED MOTION I move to adopt a resolution rescinding a previous resolution which set a hearing date to consider condemnation of 1701 N. 10th Street; and authorize the release of funds being held for possible demolition of the property.

SUPPORTING DOCUMENTS

1. Letter from Belmont
2. Occupancy Certificate
3. Resolution rescinding a previous resolution which set a hearing date to consider condemnation of 1701 N. 10th Street.



December 16, 2019

Mr. David Cowan, Building Official
City of Independence, Kansas

RE: Permit #20190016

Dear Mr. Cowan:

Please accept this letter as our request to release the funds being held for GardenWalk of Independence. When issuing the check we would appreciate it being issued as follows:

Pay to: GardenWalk of Independence II and USDA
P.O. Box 5900
Fort Smith, AR 72913

Thank you for your help regarding this matter and should there be any questions you may contact us at 479-242-8900.

Sincerely,

Sheila Ryan
Executive Assistant

/srr

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TDD Arkansas: 800.285.1121 - Voice / 800.285.1131 - TTY Oklahoma: 800.522.8506 - Voice / 800.722.0353
TTY Texas: 800.735.2988 - Voice / 800.735.2989 - TTY Kansas: 800.766.3777 - Missouri: 800.735.2466 - Voice / 800.735.2966



PO Box 5900 - Fort Smith, Arkansas 72913 - 479-242-8900



"Delivering Excellence"

CERTIFICATE OF OCCUPANCY

DATE: 12/09/2019

AGENCY: CITY OF INDEPENDENCE, KANSAS

PROJECT TITLE: 1701 NORTH 10TH STREET

LOCATION: INDEPENDENCE, KANSAS 67301

BUILDING PERMIT: 20190016

CONTRACTOR/
OWNER: GARDEN WALK OF INDEPENDENCE PROPERTIES FAMILY L.P.
BELMONT CONSTRUCTION COMPANY

1701 N. 10TH STREET – APARTMENTS {33,34,35,36,37,38,39, & 40}

INDEPENDENCE, KANSAS 67301

DESCRIPTION: RESIDENTIAL APARTMENTS

LOCALITY: GREEN ACRES P U D, S24, T32, R15, ACRES 1, S 120' OF PARCEL 1; Lot Width: 415.0
Lot Depth: 120.0 Plat Book/Page 6 /90 Lot Width: 415.0 Lot Depth: 120.0

THE RESIDENTIAL APARTMENTS WERE DAMAGED FROM A FIRE AND FINAL INSPECTED ON 12/06/2019
MEETING ALL REQUIREMENTS FOR PUBLIC OCCUPANCY.



David Cowan, Building Official
City of Independence, Kansas

12 / 09 / 2019



STRATEGIC VISION: *Customer Service Excellence – Continuous Improvement – Teamwork*

RESOLUTION NO. 2020-001

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

Beginning at a point 120 feet North of the SE corner of Parcel #1, Green Acres P.U.D. City of Independence, Montgomery County, Kansas, thence North along the East line of Parcel #1, 230.59 feet, thence deflecting to the left on an angle of 90° 02' Westerly, 79.4 feet, thence left on an angle of 89°58', 27.4 feet, thence right on an angle of 89°58', 32.8 feet, thence left on an angle 89°32', 77.5 feet, thence West to the West line of Parcel #1 to a point 120 feet due North of the South line of Parcel #1, thence East to the point of beginning.

Common Address

1701 N 10th

Mortgage

Farmers Home Administration (FHA)

Adopted this 9th day of January, 2020.

(SEAL)

Mayor

City Clerk

RESOLUTION NO. 2018-029

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 23rd day of August, 2018, 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: Beginning at a point 120 feet North of the SE corner of Parcel #1, Green Acres P.U.D. City of Independence, Montgomery County, Kansas, thence North along the East line of Parcel #1, 230.59 feet, thence deflecting to the left on an angle of 90°02' Westerly, 79.4 feet, thence left on an angle of 89°58', 27.4 feet, thence right on an angle of 89°58', 32.8 feet, thence left on an angle of 89°32', 77.5 feet, thence West to the West line of Parcel #1, thence Southwesterly along the West line of Parcel #1 to a point 120 feet due North of the South line of Parcel #1, thence East to the point of beginning

Common Address: 1701 N 10TH

Mortgage: Farmers Home Administration (FHA)

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

That a public hearing will be held on Wednesday, **October 24, 2018** 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 23rd day of August, 2018.



Mayor



City Clerk



State of Kansas, Montgomery County

This instrument was filed for

Record on March 12, 2019 9:40 AM

Recorded in Book 679 Page 557 - 558

Fee: \$0.00 201900775



Marilyn Calhoun

Marilyn Calhoun, Register of Deeds