

Published in the Marion County Record on the 6th day of July, 2022 and 13th day of July, 2022.

**RESOLUTION NO. 2022-17**

A RESOLUTION FINDING THAT THE STRUCTURE LOCATED UPON THE SOUTHERN ADDN MARION, S/2 LOT 6 ALL LOTS 7-9 BLK 12 SOUTHERN, COMMONLY KNOWN AS 413 S. FOURTH ST., CITY OF MARION, MARION COUNTY, KANSAS IS UNSAFE OR DANGEROUS AND DIRECTING THAT THE STRUCTURE BE DEMOLISHED AND THE PARCEL BE MADE SAFE AND SECURE.

WHEREAS, the Building Official of the City of Marion, Kansas, did notify the governing body of said city, a statement in writing that the structure, hereinafter described, is unsafe and dangerous; and,

WHEREAS, the governing body did by Resolution No. 2022-15 dated the 2<sup>nd</sup> day of May, 2022, fix the time and place of a hearing at which the owner, his or her agent, and lienholders, any occupants should not be condemned and ordered demolished, and provided for giving notice thereof as provided by law; and,

WHEREAS, Resolution No. 2022-15 was published in the official city paper on the 11th day of May, 2022, and on the 18th day of May, 2022, and a copy of said resolution was served upon all persons entitled thereto as provided by law; and,

WHEREAS, on the 13<sup>th</sup> day of June, 2022, the governing body did conduct the hearing scheduled in Resolution No. 2022-15 to which public input was received. The following parties in interest appeared: Justin Loomis & Ashley Loomis.

WHEREAS, at said scheduled hearing the governing body found the following facts in support of the determination that the structure is dangerous, unsafe or unfit for human use or habitation:

Lock of water for sanitary facilities, disrepair and damage to the residence, unsafe electrical cord powering items in residence and out building, cleanliness of the residence outbuildings and property.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MARION, KANSAS, THAT:

1. The owner of such structure is hereby directed to commence the demolition of the structure on the property and complete said project within thirty (30) days from the date of

publication of this resolution. Owner will have the demolition completed on or before the 25<sup>th</sup> day of July, 2022.

2. If the owner fails to completely demolish the structure, remove all building materials and fill the basement to grade within thirty (30) days from the date of publication of this resolution, the governing body will cause the structure to be razed and removed and the costs of razing and removing, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1, 1115, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located or by both, all as provided by law.
3. The owner of such structure is hereby directed to propose to the City Council of the City of Marion a plan for the repair/reconstruction of the property dwelling that meets with all requirements of the city code, state and federal regulations and meets with the approval of the City Building Inspector. Such plan shall be presented to the Council on or before the 27<sup>th</sup> day of June, 2022, at the regularly scheduled council meeting. If accepted the owner shall have thirty (30) days to commence and finish repairs/reconstruction to the residence and structures.
4. If the owner fails to completely repair/reconstruct or demolish the structure, remove all building materials and fill the basement to grade by July 25, 2022, the governing body may cause the structure to be razed and removed and the costs of razing and removing, less salvage if any, shall be collected in the manner provided by K.S.A. 12-1, 1115, and amendments thereto or shall be assessed as a special assessment against the lot or parcel of land upon which the structure is located or by both, all as provided by law.

BE IT FURTHER RESOLVED that the City Clerk shall cause this Resolution to be published once in the official city paper and mail a copy to the owners, agents, lien-holders occupants, and other parties in interest.

Adopted this 13<sup>th</sup> day of June, 2022.

  
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Mayor David Mayfield

ATTEST:

  
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City Clerk, Tiffany Jeffrey