

RESOLUTION NO. 1101

A RESOLUTION FINDING THAT THE RESIDENTIAL CONDOMINIUM STRUCTURE LOCATED IN UNIT FIVE (5) OF BUILDING ONE (1), A CONDOMINIUM ACCORDING TO THE DECLARATION OF HILLCREST CONDOMINIUMS, CITY OF COLBY, KANSAS, AS SHOWN BY THE RECORDED PLAT THEREOF, COMMONLY KNOWN AND REFERRED TO AS 138 E. HILL, COLBY, KANSAS, IS A HEALTH HAZARD AND NUISANCE AND DIRECTING THAT THE HEALTH HAZARD AND NUISANCE BE ABATED AND THE PREMISES MADE SAFE AND SANITARY.

WHEREAS, the Enforcing Officer of the City of Colby, Kansas did on the 6th day of September, 2016, file with governing body of said City his written report and a Health Assessment Report prepared by Jennifer Haag, PA-C dated August 15, 2016, that a certain condominium unit hereinafter described, contained filth, excrement, dirt, cans, paper, trash and other offensive or disagreeable things or substances and emitted or caused offensive, disagreeable or nauseous odors so as to constitute a nuisance, as defined by Section 8-201 of the Code of the City of Colby, Kansas; and

WHEREAS, the Governing Body did, on the 6th day of September, 2016, adopt an Order of Violation finding a health nuisance existed in the condominium unit hereinafter described and did cause the Order of Violation to be served upon the owner, Richard Lamp, by certified mail, but the nuisance and health hazard has not been abated.

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

The condominium unit described as:

Condominium Unit Five (5) of Building One (1), a condominium according to the Declaration of Hillcrest Condominiums, Dated October 24, 1978, recorded in Book 28, pages 92 thru 128, of the record at the Register of Deeds for Thomas County, Kansas. Together with a percentage of common areas appurtenant to said Unit as set forth in said Declaration of Condominiums, as shown by the recorded plat thereof,

and commonly known and referred to as 138 E. Hill Street, Colby, Kansas, is a nuisance and health hazard as documented by City Health Official, Jennifer Haag, PA-C, and the Enforcing Officer of the City of Colby, Kansas and as defined by Section 8-201 of the Code of the City of Colby, Kansas. The residential structure is unsafe, dangerous, and unfit for human use or habitation. The governing body directs that health hazard and nuisance is to be abated and made safe and sanitary.

BE IT FURTHER RESOLVED, that if the owner fails to abate the health hazard and

nuisance and make said condominium unit safe and sanitary and fit for human use within ten (10) days after passage of this Resolution, the governing body may take such further action as it deems necessary to abate the health hazard and nuisance without further notice to the owner or other parties in interest.

BE IT FURTHER RESOLVED, that in the event the City of Colby abates the health hazard and nuisance and if the owner shall fail to pay the costs of abatement, the costs may be assessed a special assessments and charged against the condominium unit as provided in Section 8-210 of the Code of the City of Colby, Kansas.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this Resolution to be served upon Richard Lamp personally or by certified mail, return receipt requested.

Adopted this 20th day of September, 2016.

Gary Adrian, Mayor

ATTEST:

City Clerk

CERTIFICATE OF MAILING

STATE OF KANSAS)
COUNTY OF THOMAS) ss:
CITY OF COLBY)

I, Joni L. Ketchum, City Clerk of the City of Colby, Thomas County, Kansas, do hereby certify that I caused a true and correct copy of Resolution No. 1101, finding that the structure located at Condominium Unit Five (5) of Building One (1), a condominium according to the Declaration of Hillcrest Condominiums, Dated October 24, 1978, recorded in Book 28, pages 92 thru 128, of the record at the Register of Deeds for Thomas County, Kansas. Together with a percentage of common areas appurtenant to said Unit as set forth in said Declaration of Condominiums, as shown by the recorded plat thereof and commonly known as 138 E. Hill St. Colby, Kansas, is unsafe or dangerous and directing that the residential structure be a b a t e d the premises made safe and secure, to be served upon each of the persons or entities named herein by placing the same in the United States mail as certified mailmarked as "deliver to addressee only", in individual envelopes on the 22nd day of September, 2016, and addressed as follows:

Richard Lamp
138 East Hill Street
Colby, KS 67701

FIDELITY BANK

Said persons or entities being the owner, his or her agent, lienholders of record, occupants and all other parties in interest of the structure described in said resolution.

The receipts of certified mailing are attached hereto.

In witness whereof, I have set my hand and seal this 22nd day of September, 2016.

Seal

Joni L. Ketchum, City Clerk