

## **RESOLUTION NO. 1137**

### **A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, ORDERING THE REPAIR, DEMOLITION OR REMOVAL OF AN UNSAFE OR DANGEROUS STRUCTURE WITHIN SAID CITY.**

**WHEREAS**, the Enforcing Officer of the City of Colby, Kansas, did on the 6th day of August, 2019, file with the Governing Body of said City, a statement in writing that the structure on certain property located within said City is unsafe, dangerous, or unfit for human habitation; and

**WHEREAS**, the Governing Body of said City, in Resolution No. 1134, fixed a time and place for a hearing before the Governing Body for the owner of such property, his or her agent, lienholders of record, occupants, and other interested parties, to appear and show cause why such structure should not be condemned and ordered repaired or removed; and

**WHEREAS**, the Governing Body of said City caused the Resolution fixing such time and place for such hearing to be published in accordance with applicable ordinances duly enacted by the Governing Body of said City:

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

That, following a public hearing on this matter on this 1st day of October, 2019, the structure located upon the following described real estate is hereby determined to be dangerous, unsafe, and unfit for human habitation:

**A Tract of land located in the City of Colby, Thomas County, Kansas, all of Lot Seven (7) and the West half of Lot Eight (8), Block One hundred six (106) of the platted North Addition, more commonly described as 550 East 8<sup>th</sup> Street, Colby, Kansas; Owners Gerald C. Plantz and Shirley E. Plantz as Trustees of the Shirley E. Plantz Revocable Trust, Dated October 14, 1994; and the East half of Lot Eight (8), all of Lots Nine (9), and Ten (10), Block One hundred six (106) of the platted North Addition, more commonly known as 570 East 8<sup>th</sup> Street, Colby Kansas; Owners Gerald C. Plantz and Shirley E. Plantz.**

This determination is based upon the following facts found by the Governing Body, following said hearing (4-607):

(1) The structure is in a severely dilapidated state, with loose boards, siding, and roofing shingles loose and hanging from the structure.

(2) The structure and surrounding area are not fenced or otherwise secured. This renders the structure open and accessible to children, animals, or other trespassers.

(3) The structure is open to animals, vermin, and other pests, rendering it a ready source of infestation and a health risk to this area of the City.

(4) Representatives of the City have made many attempts of the owners of the property to resolve these conditions, but the conditions persist.

(6) The structure is currently dangerous, unsafe, and unfit for human habitation.

**THEREFORE, THE GOVERNING BODY OF THE CITY OF COLBY HEREBY ORDERS** the owner of such property to commence the repair or removal of the structure described above. The repair or removal shall be commenced no later than November 1<sup>st</sup>, 2019. (4-607)

**BE IT FURTHER RESOLVED**, that if the owner of such structure fails to commence the repair or removal of such structure within the time stated or fails to diligently prosecute the same until the work is completed, the Governing Body will cause the structure to be razed and removed. (4-607)

**BE IT FURTHER RESOLVED** that the City Clerk shall cause this Resolution to be published and shall give notice of this Resolution as required by law.

Adopted this 1st day of October, 2019.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

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