

RESOLUTION NO. 2010 – 17

A RESOLUTION REGARDING AN UNSAFE STRUCTURE AT
OR NEAR 600 HIGH STREET IN BALDWIN CITY, KANSAS

WHEREAS, the City Code of the City of Baldwin City, Kansas provides that it shall be the duty and obligation of the owner of property to render the same secure and safe or to cause it to be removed; and

WHEREAS, the City Code of the City of Baldwin City, Kansas provides a procedure for declaring a structure unsafe and unfit for human use or habitation; and

WHEREAS, the Governing Body of the City of Baldwin City, Kansas adopted Resolution No. 2010-04 declaring an immediate hazard and setting a public hearing for August 2, 2010 regarding an unsafe structure located at 600 High Street in Baldwin City, Kansas, and such notice was published as required by law; and

WHEREAS, the Governing Body conducted said hearing on August 2, 2010 whereby the owner, the owner's agent, the lienholder and the occupant of the property were afforded the opportunity to address the Governing Body regarding reports by the Public Officer that the structure was unsafe; and

WHEREAS, the Governing Body heard from all interested parties in attendance at the hearing; evaluated all information presented, and caused to be issued Resolution No. 2010-12 to summarize its findings of fact and issue its order; and

WHEREAS, the Governing Body ordered that the owner of the property at or near 600 High Street shall have until September 3, 2010 to either remove the structure and return the site to a safe condition, or submit a written plan, endorsed by a structural engineer licensed in the state of Kansas for repairing the structure within a specific time frame and diligently pursue such repair.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Baldwin City, Kansas, that:

- Section 1. The city did not receive a written plan to repair, remove, or sell the structure at or near 600 High Street from the property owner by the September 3 deadline as directed by Resolution No. 2010-12; and extended such deadline to September 30 by Resolution No. 2010-16.
- Section 2. The city did receive a written correspondence from the owner on September 7 indicating that an understanding has been reached whereby the owner would transfer ownership of the structure to a private third party for a purchase price of zero dollars, provided that the private third party be extended a time frame of thirty (30)

days to pursue due diligence matters and negotiate a suitable purchase contract with the owner.

Section 3. The prospective third party buyer has requested that any action by the city to raze the structure and abate the unsafe conditions be postponed until after such due diligence period.

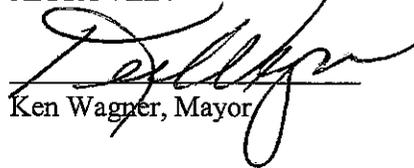
Section 4. Order. The owner of the property at or near 600 High Street shall have until October 29, 2010 to reach contract terms to sell the structure at or near 600 High Street to a private third party. The provisions of such contract and a written proposal by the private third party outlining a timeline for the transfer of the property and for abating the unsafe condition of the structure shall be presented to the governing body at its November 1, 2010 regular meeting, where further action by the governing body shall be considered. If the owner fails to reach a suitable agreement with a third party by the specified date, the Public Officer may proceed to remove the structure, make the site safe and assess any and all associated costs to the property as provided in the City Code.

Section 5. Right to Appeal. Persons affected by this order may appeal same according to the provisions of Article 8, Section 8-513 of the City Code.

Section 6. Publication. This Resolution shall be published once in the official city newspaper and a copy shall be mailed to the owners, agents, lienholders of record and occupants of the property.

APPROVED AND ADOPTED by the Governing Body of the City of Baldwin City, Kansas on this 4th day of October, 2010.

APPROVED:


Ken Wagner, Mayor

ATTEST:


Darcy Higgins, City Clerk

