

RESOLUTION NO. 2012-02

A RESOLUTION REGARDING AN UNSAFE STRUCTURE AT  
1020 ELM STREET IN BALDWIN CITY, KANSAS

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 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 to cause it to be removed; and

WHEREAS, the Governing Body of the City of Baldwin City, Kansas adopted Resolution No. 2011-16 setting a public hearing for January 17, 2012 regarding an unsafe structure located at 1020 Elm Street in Baldwin City, Kansas, and such notice was published as required by law; and

WHEREAS, the Governing Body conducted said hearing on January 17 whereby the owner was 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 this Resolution to summarize its findings of fact and issue its order.

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

Section 1. Findings of Fact. Upon review of photographs and evidence provided by the Public Officer, the Governing Body finds the following to be true:

- a) The mobile home structure at 1020 Elm Street is owned by Harold C. Shepard of Lawrence, Kansas.
- b) County records indicate that the mobile home was manufactured in 1959.
- c) The owner was properly notified by certified mail of a hearing to be conducted on January 17, 2012 and public notice of such hearing was published in the official city newspaper as required by law.
- d) The governing body in fact conducted such hearing on January 17, 2012 and reviewed evidence presented by the Public Officer, the owner, and any other interested party.
- e) Photographs of the structure presented by the Public Officer were reviewed, and such photos reveal evidence deeming the mobile home uninhabitable. Such photos are incorporated herein by reference.
- f) Testimony by the Public Officer regarding personal inspection of the structure indicates that the deterioration of the mobile home rendering it impractical to be repaired.
- g) There are jagged edges of exposed metal throughout the exterior of the structure.
- h) There are broken and missing window panes throughout the structure.

- i) The frame of mobile home where a side of the home meets the rear of the mobile home is bent and exposed to the elements.
- j) Feral cats and raccoons have been accessing the interior of the mobile home through an opening in the side of the home where a window air-conditioner was removed.
- k) There is fecal matter and other animal waste visible inside the structure.
- l) The door handle located at the rear of the mobile home is broken and held shut with a paddle lock on the exterior preventing tenants from egress from the interior of the mobile home.
- m) A large percentage of the exterior structure of the mobile home illustrates exposed metal and corrosion.
- n) There is mold where water has penetrated inside the trailer especially where the air conditioner was removed and around the windows.
- o) There is small, metal storage shed on the property that is also unsafe.
- p) The metal storage shed is rusted through the back with exposed, jagged metal.
- q) Holes in the roof of the shed have caused extensive corrosion and this corrosion has compromised the structural integrity of the shed.
- r) The mobile home and the shed at 1020 Elm Street are deemed to be unsafe, and unfit for human use or habitation and must be removed.

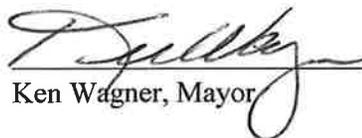
Section 2. Order. The owner of the property at 1020 Elm Street shall have until February 25, 2012 to remove the mobile home structure and metal storage shed and return the site to a safe condition. If the owner fails to take such action by the specified date, the public officer may proceed to remove the structure, make the site safe and assess any and all associated costs to the property as provided in the City Code.

Section 4. 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 5. Publication and Notice. 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 17<sup>nd</sup> day of January, 2012.

APPROVED:

  
Ken Wagner, Mayor

ATTEST:

  
Darcy Higgins, City Clerk

