

RESOLUTION No. 2010-04

A RESOLUTION SETTING THE TIME AND PLACE OF A HEARING REGARDING A REPORTED UNSAFE STRUCTURE AT 600 HIGH STREET; DECLARING SUCH STRUCTURE AN IMMEDIATE HAZARD; AND AUTHORIZING THE PUBLIC OFFICER TO BARRICADE THE STRUCTURE IN ORDER TO PROTECT THE GENERAL PUBLIC

WHEREAS, Chapter 8, Article 5 of the Code of the City of Baldwin City sets forth a procedure for dealing with dangerous and unfit structures whereby the Public Officer may provide a report to the governing body on a potential dangerous structure; and

WHEREAS, the City Code provides that the governing body, upon receiving a report of a potentially dangerous or unfit structure, shall by resolution fix a time and place at which the owner, the owner's agent, any lienholder of record and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished; and

WHEREAS, the City Code provides that when, in the opinion of the governing body, any structure is in such condition as to constitute an immediate hazard requiring immediate action to protect the public, the governing body may direct the public officer to erect barricades or cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay; and

WHEREAS, whenever any structure within the city shall be found to be dangerous, unsafe or unfit for human use or habitation, it shall be the duty and obligation of the owner of the property to render the same secure and safe or to remove the same; and

WHEREAS, the City received a letter dated October 21, 2009 from a licensed professional engineer regarding the potential public hazard posed by a two-story masonry building located at 600 High Street, owned by Sunflower Development, LLC. Such professional engineer had been hired by Sunflower Development to evaluate the structure for potential repair and redevelopment; and

WHEREAS, the City has worked with the owner of the building on an informal basis since that time, and the owner has voluntarily provided a basic fence to block the sidewalk adjacent to the building. Upon a more recent inspection of the building on May 25, 2010, it is evident that the building continues to deteriorate and is an immediate hazard, and such barricades should be extended to protect the potential fall zone that could be impacted if the structure fails; and

WHEREAS, the building owner was notified by written communication that the barricades need to be extended or formal action through the governing body would be sought.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Baldwin City, Kansas, that:

Section 1. There shall be a hearing on Monday, August 2, 2010 in the American Legion Hall, 803 High Street, Baldwin City, Kansas at the regular meeting of the governing body, such meeting starting at 7:30 p.m. At such hearing, the owner of the building located at 600 High Street in Baldwin City, the owner's agent, any lienholder of record, and any occupant of the structure may appear and show cause why the structure should not be condemned and ordered repaired or demolished, and proper notice of such hearing shall be given as set forth in Section 8-506 of the Code of the City of Baldwin City, Kansas.

Section 2. The building at 600 High Street is of such condition as to constitute an immediate hazard requiring immediate action to protect the public. The public officer is hereby directed to erect sufficient barricades without delay in order to protect the general public. The public officer is also authorized to cause the property to be vacated, taken down, repaired, shored or otherwise made safe without delay. The cost of any such action shall be assessed against the property as provided in Section 8-511 of the City Code.

ADOPTED AND APPROVED by the Governing Body of the City of Baldwin City, Kansas on this 21<sup>st</sup> day of June, 2010.

APPROVED:

  
\_\_\_\_\_  
Ken Wagner, Mayor

ATTEST:

  
\_\_\_\_\_  
Darcy Higgins, City Clerk



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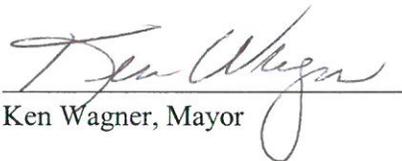
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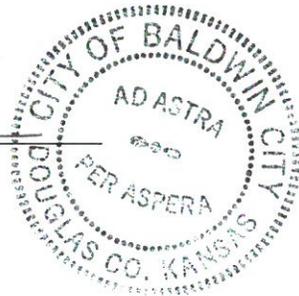
ADOPTED AND APPROVED by the Governing Body of the City of Baldwin City, Kansas on this 21<sup>st</sup> day of June, 2010.

APPROVED:

  
Ken Wagner, Mayor

ATTEST:

  
Darcy Higgins, City Clerk



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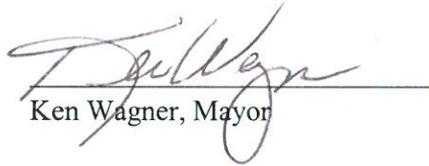
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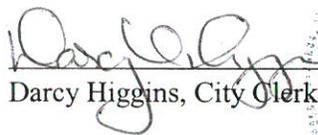
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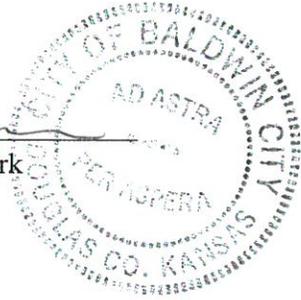
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ATTEST:

  
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APPROVED:

  
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Ken Wagner, Mayor

ATTEST:

  
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Darcy Higgins, City Clerk





RECEIVED JUN 24 2010

### Affidavit in Proof of Publication

STATE OF KANSAS  
Douglas County

Erika Gray of the Legal Dept. of the Baldwin City Signal being first duly sworn, deposes and says:

That this weekly newspaper printed in the State of Kansas, and published in and of general circulation in Douglas County, Kansas, with a general paid circulation on a weekly basis in Douglas County, Kansas, and that said newspaper is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as periodicals class matter in said County, and that a notice of which is hereto attached, was published in the regular and entire issue of the Baldwin City Signal

Said newspaper is published weekly 52 weeks a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice and been admitted at the post office of Baldwin in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 2 consecutive weeks the first publication thereof being made as aforesaid on 06/24/2010 with publications being made on the following dates:

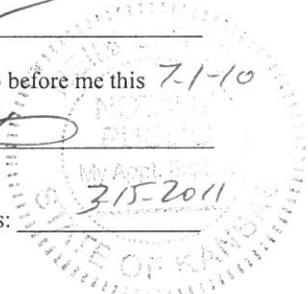
06/24/2010, 07/01/2010

  
\_\_\_\_\_

Subscribed and sworn to before me this 7-1-10

  
\_\_\_\_\_  
Notary Public

My Appointment expires: 3-15-2011



(Published in the Baldwin City Signal, Thursday, June 24, 2010)

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APPROVED:

Publication Charges	\$127.00
Notary And Affidavit	\$0.00
Additional Copies	\$0.00
	<hr/>
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Douglas County

Ken Wagner, Mayor

ATTEST:  
Darcy Higgins, City Clerk

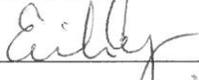
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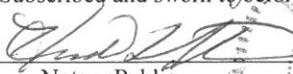
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Notary Public

My Appointment expires: 3-15-2011

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