

**CITY OF WESTWOOD, KANSAS
RESOLUTION NO. 49-2015**

A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS, DECLARING A CERTAIN STRUCTURE (4728 BOOTH ST) TO BE UNSAFE AND DANGEROUS, DIRECTING THAT SAID STRUCTURE BE REPAIRED OR REMOVED, AND FIXING A REASONABLE TIME WITHIN WHICH ACTION SHALL COMMENCE, ALL IN ACCORDANCE WITH K.S.A. 12-1750 ET SEQ.,

WHEREAS, a hearing was held by the Governing Body, in accordance with the provisions of Resolution No. 48-2015 and K.S.A. 121750 et seq., on October 8, 2015, 2015, at which time and place the owner, the owner's agent, and lien holders of record and any occupant of the structure located on the real property commonly known as 4728 Booth Street, Westwood, Johnson County, Kansas, and bearing the legal description, to-wit:

ALL OF THE NORTH 58 FEET EXCEPT THE WEST 499.84 FEET THEREOF, OF THE WEST 660 FEET OF THE SOUTH 198 FEET OF THE NORTH 528 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 12, RANGE 25, IN THE CITY OF WESTWOOD, JOHNSON COUNTY, KANSAS, SUBJECT TO ANY PART THEREOF IN STREETS, ROADS, OR PUBLIC RIGHTS OF WAY.

were free to appear and show cause why such structure should not be condemned and ordered repaired or demolished; and

WHEREAS, Resolution No 48-2015 of the Governing Body of the City of Westwood, Kansas, was first published on August 18, 2015 with a second publication of August 25, 2015; and

WHEREAS, pursuant to K.S.A. 121752, a copy of said Resolution No 48-2015 was mailed by certified mail within three (3) days of its first publication to the owner of record of said structure; and

WHEREAS, pursuant to K.S.A 121752 at least thirty (30) days have elapsed between the said publication of the said resolution and the date for the hearing.

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

SECTION ONE: The above recitals are incorporated herein as if fully set forth.

SECTION TWO: The structure for the purpose of this Resolution and as defined in K.S.A. 12-1750, is commonly located at 4728 Booth Street Westwood, Kansas 66205 and legally described as follows:

ALL OF THE NORTH 58 FEET EXCEPT THE WEST 499.84 FEET THEREOF, OF THE WEST 660 FEET OF THE SOUTH 198 FEET OF THE NORTH 528 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 3, TOWNSHIP 12, RANGE 25, IN THE CITY OF WESTWOOD, JOHNSON COUNTY, KANSAS, SUBJECT TO ANY PART THEREOF IN STREETS, ROADS, OR PUBLIC RIGHTS OF WAY.

SECTION THREE: Pursuant to K.S.A. 12-1753, the Governing Body of the City of Westwood, Kansas, has heard all evidence submitted by the owner, the owner's agent, lien holders of record and occupants having an interest in such structure, as well as evidence submitted by the enforcing officer who filed the written statement provided for by K.S.A. 12-1750 et seq., and finds that the structure is unsafe and dangerous and orders the repair or removal of the structure by November 11, 2015.

SECTION FOUR: Pursuant to K.S.A. 12-1753, the Governing Body orders the property owner of such structure to initiate commencement of the removal of such structure and orders that the premises be made safe and secure within the time period stated in Section 3 herein.

SECTION FIVE: Pursuant to K.S.A. 12-1753 and K.S.A. 12-1755, if the property owner fails to comply with Section 3 or Section 4 herein or fails to diligently prosecute the same until the work is completed, the Governing Body shall cause the structure to be razed and removed as an unsafe and dangerous structure.

SECTION SIX: Pursuant to K.S.A. 12-1755, the City shall keep an account of the cost of such work and may sell salvage from the structure and apply the proceeds or any necessary portion thereof to pay the cost of removing such structure and making the premises safe and secure. All moneys from the salvage in excess of that necessary to pay demolition and removal costs and the cost of publications of notice and any postage for mailing of notice, shall, after payment of all costs, be paid to the owner of the premises upon which the structure is located.

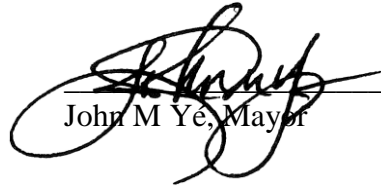
SECTION SEVEN: Pursuant to K.S.A. 12-1755, the City shall give notice to the owner of the structure of the total cost incurred by the City in removing such structure and making the premises safe and secure and the cost of providing notice. If the cost is not paid within 30 days following receipt of notice, the cost shall be collected in the manner provided by K.S.A. 12-1,115 or shall be assessed as a special assessment against the property, all pursuant to K.S.A. 121750 et seq. and amendments thereto.

SECTION EIGHT: The City Clerk is hereby authorized to provide for the publication (1) one time, of this Resolution in the official newspaper of the City and shall mail by certified mail a copy to the owners, agents, and lien holders of record and occupants of said structure within three (3) days after the publication of the Resolution. The City Clerk shall file a certified copy of this Resolution with the Records and Tax Administration, Johnson County, Kansas.

SECTION NINE: This Resolution shall take effect and be in force from and after its passage and approval as provided by law.

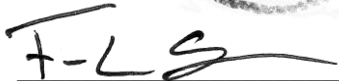
ADOPTED by the Governing Body of the City of Westwood, Kansas, this 8th day of October, 2015.






John M. Ye, Mayor

ATTEST:



Frederick L. Sherman, City Clerk

APPROVED AS TO FORM AND LEGALITY



Ryan B. Denk, City Attorney