

RESOLUTION NO. 3824

A RESOLUTION DECLARING THE STRUCTURE AT 7800 WEST 60TH STREET, LEGALLY DESCRIBED AS: QUAKER RIDGE LOT 53 OPC-9079, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, TO BE UNSAFE AND DANGEROUS AND SETTING A REASONABLE TIME FOR ITS REMOVAL.

WHEREAS, pursuant to K.S.A. 12-1752 and Overland Park Municipal Code Section 16.190.110.1.1, Governing Body Report No. 10-01 dated April 5, 2010, has been presented to and approved by the Governing Body of the City of Overland Park; and

WHEREAS, said report shows the structure commonly known as 7800 West 60th Street contains an unsafe and dangerous structure; and

WHEREAS, considerable time has lapsed since the City received a complaint for a vacant structure in disrepair with significant roof damage in July 2008, and no person(s) are currently taking action to repair or raze said structure; and

WHEREAS, it was determined that the owner of record is deceased and potential heirs that have been located have expressed no interest in the property; and

WHEREAS, adjacent property owners are concerned that the property presents an attractive nuisance to the neighborhood children and in its present condition, is detrimental to property values in the area; and

WHEREAS, the City has allowed a reasonable time for the private sector to initiate abatement proceedings; and

WHEREAS, a public hearing was held at 7:30 PM on June 7, 2010, in the Council Chambers of the Overland Park City Hall, 8500 Santa Fe Drive, on the question of whether the structure at 7800 West 60th Street is unsafe and dangerous within the definition of Overland Park Municipal Code Section 7.04.170(h). At that time persons including, but not limited to, the owners, representatives, tenants, lien holders of record, and owners of adjacent properties, were given an opportunity to state reasons such structure should or should not be condemned and ordered repaired or removed by the City. There were no appearances by interested parties.

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

SECTION 1: That after the public hearing, and the consideration of evidence presented, the Governing Body does hereby declare the structure described herein as 7800 West 60th Street, is unsafe within the meaning of Overland Park Municipal Code Section 7.04.170(h).

SECTION 2: That the Governing Body directs that said structure shall be razed and removed and the premises made safe and secure. The Governing Body sets July 23, 2010, as the date by which said razing and removal shall be completed.

SECTION 3: That if the responsible person(s) should fail to comply with the date set forth in Section 2, the City of Overland Park Building Safety Division shall cause the structure to be razed and removed. All costs incurred by the City of Overland Park to cause the razing and removal, shall be recovered pursuant to, Overland Park Municipal Code Section 7.04.230. Should the structure be removed under the provisions of this act, the City Clerk shall certify to the county appraiser that such structure has been removed.

SECTION 4: That the Public Officer shall cause this resolution to be published once in the official City newspaper and a copy mailed to the owners, representatives, tenants, or lien holders of record, by “Certified Mail, Return Receipt Requested.”

PASSED by the City Council this 21st day of June, 2010.

APPROVED by the Mayor this 21st day of June, 2010.

(s) Carl Gerlach
Carl Gerlach, Mayor

ATTEST:

(s) Marian Cook
Marian Cook
City Clerk

APPROVED AS TO FORM:

(s) J. Bart Budetti
J. Bart Budetti
Senior Assistant City Attorney