

RESOLUTION NO. 91-7

A RESOLUTION PROVIDING FOR THE ABATEMENT OF A NUISANCE LOCATED AT 203 ST. JOSEPH STREET.

WHEREAS, Ordinance No. 441 of the City of Wathena, Kansas (herein City), authorizes and empowers the Governing Body of the City to require any and all nuisances located on any land within the City to be removed or abated; and,

WHEREAS, the provisions of said Ordinance No. 441 should be invoked and implemented as to the land and the nuisance hereinafter described:

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

1. LOCATION OF NUISANCE. The nuisance herein described is located on and in land in the City of Wathena, Doniphan County, Kansas, which is legally described as follows:

The West Half of Lot 2 in Block 12 in the original town, now City of Wathena and also known as 203 St. Joseph Street.

2. DESCRIPTION OF CONDITIONS CONSTITUTING NUISANCE. The conditions existing upon the above land which constitute a nuisance include and are: Incinerator located in rear yard of above described property and trash barrels located in said rear yard.

3. DETERMINATION OF NUISANCE. It is hereby found and determined that the conditions described in paragraph 2 constitute a nuisance in that the same are a menace and are dangerous to the health of the inhabitants of the City. That the incinerator is to be discarded and the trash barrels emptied.

4. NAME OF OWNER AND OCCUPANT. (a) L. M. Gabriel, Jr. and Ruth Gabriel of Wathena, Kansas, are the owners of the above described real estate.

(b) John Hontz and Jill Hontz of Wathena, Kansas are the occupants of the above described real estate.

5. NOTICE TO ABATE NUISANCE. The above named owner and occupant of the above described real estate is hereby ordered and directed to completely remove and abate the above described nuisance from the above described land within ten (10) days from

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date of service of this notice and resolution upon them.

6. HEARING. Be advised that you may request a hearing before the Governing Body of the City of Wathena, Kansas, or its designated representative, within five (5) days from the date this Notice is served upon you.

7. CITY ACTION ON FAILURE TO ABATE. The provisions of Ordinance No. 441 of the City of Wathena, Kansas, provides that in the event you fail and neglect to remove and abate the above described nuisance as required by this Notice that the same may be removed by the City and the costs for the removal charged and assessed against you and the above described real estate. Said Ordinance also provides that you are subject to be charged and fined, if convicted, for maintaining said nuisance.

8. PROVISION FOR SERVICE. The City Clerk shall cause a true and correct copy of this Resolution to be served upon the owner, or agent of the owner, if any there be, and the occupant of the above described land in the manner provided in Ordinance No. 441 of the City.

ADOPTED and APPROVED on the 17th day of September, 1991.

Mayor, City of Wathena, Kansas

ATTEST:

(City Seal)

City Clerk