

RESOLUTION NO. 2005-12

BEFORE THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS.

IN THE MATTER OF A DANGEROUS STRUCTURE LOCATED AT 2295 175TH ROAD, WATHENA, KANSAS.

RELATING TO AN ALLEGED DANGEROUS STRUCTURE AT 2295 175TH ROAD, WATHENA, KANSAS.

WHEREAS, the Enforcing Officer of the City of Wathena, Kansas, pursuant to Ordinance No. 544 of the said City, has filed a complaint with the Governing Body of the City of Wathena (hereinafter Governing Body) alleging that a certain structure located at 2295 175th Road in the City of Wathena, Kansas, upon real estate legally described as:

Begin at the Southeast Corner of the Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., Doniphan County, Kansas, thence North (North 0 degrees 25 minutes West) on East line of said section 1845.4 feet to center line of Old U.S. Highway 36, thence following center line of Old U.S. Highway 36, North 43 degrees 40 minutes West 200 feet, North 50 degrees 45 minutes West 100 feet, North 61 degrees 03 minutes West 100 feet, North 74 degrees 16 minutes West 100 feet, North 85 degrees 41 minutes, West 100 feet, South 85 Degrees 34 minutes West 2159.7 feet to West line of Southeast Quarter of Section 27, Township 3, Range 22, thence South on West line of said Southeast Quarter 1961.7 feet to Southwest Corner of Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., thence South (South 0 degrees 27 minutes East) a distance of 50.6 feet to North right-of-way line of St. Joseph & Grand Island Railway Company, thence East (North 89 degrees 36 minutes East) along North right-of-way line of St. Joseph & Grand Island Railway Company 600 feet to a point of angle, thence continuing East (North 89 degrees 31 minutes East) along North right-of-way line of St. Joseph & Grand Island Railway Company 2063.3 feet to East line of Section 34, Township 3 South, Range 22 East of the 6th P.M., thence North (North 0 degrees 25 minutes West) along East line of Section 34, Township 3 South, Range 22 East of the 6th P.M., a distance of 24.1 feet to THE POINT OF BEGINNING, SUBJECT TO AND EXCEPT the following (all recorded in Register of Deeds office in Doniphan County, Kansas):

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- 1) an Easement or Right-of-way Agreement dated August 1, 1968, from Ruth Groh in favor of Williams Brothers Pipe Line Company recorded in Book 152 at Page 396,
- 2) a 99 year Lease Contract dated November 18, 1947, from Elizabeth Groh to the City of Wathena, Doniphan County, Kansas, recorded in Book 121 at Page 474,
- 3) a Right-of-Way Easement for Road Purposes dated June 18, 1973, from W.M. Grace and Ann K. Grace in favor of Doniphan County, Kansas, recorded in Book 157 at Page 365,
- 4) an Easement for Water Line dated April 18, 1974, from W.M. Grace and Ann K. Grace in favor of the City of Wathena recorded in Book 164 at Page 90,
- 5) an Easement for Sanitary Sewer Line dated November 17, 1992, from W.M. Grace and Ann K. Grace in favor of the City of Wathena recorded in Book 191 at Page 25, and
- 6) a Warranty Deed from W.M. Grace and Ann K. Grace to The City of Wathena, dated April 25, 1973, and recorded in the office of Register of Deeds, in Book 159 at Page 165,
- 7) a Deed Granting Permanent Easement for Roadway dated March 9, 1993, from W.M. Grace and Ann K. Grace in favor of the City of Wathena recorded in Book 191 at Page 69 all in the Register of Deeds, Doniphan County, Kansas,

is dangerous and unsafe and should be condemned and ordered demolished;
and,

WHEREAS, the Governing Body pursuant to said Ordinance No. 544 adopted Resolution No. 2005-10 on September 19, 2005, providing for a hearing on the aforesaid complaint on November 7, 2005, at 7:00 o'clock P.M.

WHEREAS, the owner(s) of the above described real estate, any lienholders of record and occupants were advised of such hearing by mailing

and by publication of the aforesaid Resolution in the official city newspaper for two (2) consecutive weeks; and,

WHEREAS, the Governing Body did proceed to conduct a hearing on the aforementioned complaint on November 7, 2005, at 7:00 o'clock P.M., at which time evidence was submitted on behalf of the Enforcing Officer and _____;
and,

WHEREAS, the Governing Body after hearing all evidence submitted found the structure to be unsafe and dangerous; and,

WHEREAS, the Governing Body further found that such structure consisting of a wood frame house should be: either repaired to a safe condition or razed and removed within Thirty (30) days from November 7, 2005, otherwise the City should cause said structure to be razed and removed.

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

1. The structure consisting of a wood frame house situate on the following described real estate, to wit:

Begin at the Southeast Corner of the Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., Doniphan County, Kansas, thence North (North 0 degrees 25 minutes West) on East line of said section 1845.4 feet to center line of Old U.S. Highway 36, thence following center line of Old U.S. Highway 36, North 43 degrees 40 minutes West 200 feet, North 50 degrees 45 minutes West 100 feet, North 61 degrees 03 minutes West 100 feet, North 74 degrees 16 minutes West 100 feet, North 85 degrees 41 minutes, West 100 feet, South 85 Degrees 34 minutes West 2159.7 feet to West line of Southeast Quarter of Section 27, Township 3, Range 22, thence South on West line of said Southeast Quarter 1961.7 feet to Southwest Corner of Southeast Quarter of Section 27, Township 3 South, Range 22 East of the 6th P.M., thence South (South 0 degrees 27 minutes East) a distance of 50.6 feet to North right-of-way line of St. Joseph & Grand Island Railway Company, thence East (North 89 degrees 36 minutes East) along North right-

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- 1) an Easement or Right-of-way Agreement dated August 1, 1968, from Ruth Groh in favor of Williams Brothers Pipe Line Company recorded in Book 152 at Page 396,
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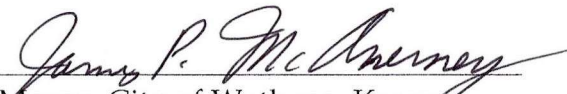
is dangerous, unsafe and abandoned. The structure: (a) Has defects therein increasing the hazards of fire, accidents and other calamities; (b) Is dilapidated and in a state of disrepair; (c) Has open doors and windows and is otherwise not enclosed or secure; and (d) Is injurious to the health and safety of the residents of the City of Wathena.

2. The structure described at paragraph 1 above is dangerous and unsafe and should be condemned and ordered demolished.

3. That the owner(s) of the above described real estate shall have a period of Thirty (30) days from November 7, 2005, in order to repair said wood frame house to a safe condition or raze and remove said wood frame house from the above described real estate otherwise the City of Wathena should cause such wood frame house to be razed and removed.


4. This Resolution shall be published in the official City newspaper for one (1) week and a copy hereof shall be served upon the owners, lienholders of record and occupant of the above described property in the manner provided in Ordinance No. 544 and K.S.A. 12-1753.

APPROVED and ADOPTED on the 7th day of November, 2005.


Mayor, City of Wathena, Kansas

ATTEST:

(CITY SEAL)


City Clerk