

RESOLUTION NO. 2023-05

**A RESOLUTION ORDERING THE ABATEMENT OF CERTAIN NUISANCE
CONDITIONS AND STRUCTURES AT 103 CHAPMAN ROAD, ST. GEORGE,
KANSAS PURSUANT TO CITY CODE SECTION 12-86**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. GEORGE, KANSAS:

WHEREAS, The City Code, Section 12-86 provides, that as an alternative to prosecution, the public officer may seek to remedy nuisance violations in accordance with the procedure outlined in the Code for abatement by City officers; and

WHEREAS, the public officer has provided Notice to the property owners at 103 Chapman Road on or about May 5, 2022 and the same sent by certified mail and received by the property owners on or about May 7, 2022; and

WHEREAS, said Notice outlined violations of Code Section 12-83(2) regarding a deteriorated and dilapidated structure, along with a separate Notice of a violation of Code Section 34-22 regarding diseased, dead and dangerous trees on the property; and


WHEREAS, the Notices gave the owners Fifteen (15) days to request a hearing before the City Council to dispute the nuisance findings, but said owners made no such request for a hearing and the nuisance violations are and were established; and

WHEREAS, the public officer has reported to the City that the nuisance conditions remain in existence on the property and the owners have not abated the same, and that no hearing had been requested, so the property is subject to abatement.

NOW, THEREFORE, the City Council finds and holds as follows:

1. The conditions described in the Notices by the public officer are established as nuisance conditions under City Code Sections 12-79 and 12-83 as unlawful acts and the same have not been abated by the property owners.
2. No hearing was requested by the owners, or any other party and abatement is available as a remedy for the nuisance conditions.
3. City officers and the public officer are authorized, after 20 days of the passage of this Resolution, to abate the conditions in violation, with the costs thereof assessed against the property pursuant to Code Section 12-89.
4. The public officer or their agents shall serve a copy of this resolution to the owners pursuant to City Code Section 12-86(b) and maintain record thereof.

PASSED BY THE CITY COUNCIL on this 11th day of May, 2023.



TIM PRALLE, Mayor

ATTEST:



ELIZABETH WAGONER, City Clerk

