

RESOLUTION NO. 26-1059

A RESOLUTION PURSUANT TO K.S.A. 12-1750, *ET SEQ.*, DECLARING A CERTAIN STRUCTURE WITHIN THE CITY OF OLATHE, KANSAS TO BE UNSAFE AND DANGEROUS, DIRECTING THAT SAID STRUCTURE BE REPAIRED OR REMOVED, AND ESTABLISHING A REASONABLE TIME WITHIN WHICH SUCH ACTION MUST BE COMMENCED, ALL IN ACCORDANCE WITH K.S.A. 12-1750, *ET SEQ.*, AS AMENDED.

WHEREAS, pursuant to K.S.A. 12-1752, the Enforcing Officer filed a written statement with the Governing Body on May 19, 2026, describing the unsafe or dangerous conditions of the structure located at the property described below;

WHEREAS, at its May 19, 2026 regular meeting, the Governing Body of the City of Olathe, Kansas adopted resolution no. 26-1040 setting a hearing for July 21, 2026 before the Governing Body of the City at 7:00 p.m., in the City Council Chamber of Olathe City Hall, at which time the owner, his agent, any lienholders of record, and any occupants of the structure located at the real property commonly known as 414 E. Cedar Street, Olathe, Johnson County, Kansas, the legal description of which is set forth in Section Two of this Resolution, may appear and show cause why such structure should not be condemned as unsafe or dangerous and ordered repaired or removed;

WHEREAS, in accordance with K.S.A. 12-1752, Resolution No. 26-1040 was published in the official newspaper on May 26, 2026, with a second publication date of June 2, 2026;

WHEREAS, in accordance with K.S.A. 12-1752, a copy of Resolution No. 26-1040 was mailed by certified mail to the owner of record of the subject property, the owner's agent, lienholders of record, and other known stakeholders within three (3) days of its first publication in the official newspaper;

WHEREAS, in accordance with K.S.A. 12-1752, at least thirty (30) days have elapsed between the publication of Resolution No. 26-1040 and the date of the July 21, 2026 hearing; and

WHEREAS, at its July 21, 2026 regular meeting, in accordance with K.S.A. 12-1750 et seq., as amended, the Governing Body considered the structure at 414 E. Cedar Street.

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

SECTION ONE: The above-stated recitals are incorporated herein by reference as if fully stated in this section.

SECTION TWO: The structure in question is a single-family house located on the real property commonly known as 414 E. Cedar Street, Olathe, Johnson County, Kansas with the legal description:

BEGINNING AT A POINT IN THE CENTERLINE OF CEDAR STREET, SAID POINT BEING 305 FEET EAST OF THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY-SIX (36), TOWNSHIP THIRTEEN (13), RANGE TWENTY-THREE (23), THENCE EAST 240.45 FEET TO THE EAST BANK OF MILL CREEK AT THE LINE OF NORMAL WATER LEVEL, SAID POINT BEING 793 WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE TO THE LEFT 89° 00' A DISTANCE OF 60 FEET, THENCE TO THE RIGHT 7° 15' A DISTANCE OF 107 FEET; THENCE TO THE LEFT 40° 00' A DISTANCE OF 100 FEET; THENCE TO THE RIGHT 21° 36' 30", A DISTANCE OF 50.1 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING 838 FEET WEST OF THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE WEST A DISTANCE OF 195.4 FEET TO A POINT 305 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH A DISTANCE OF 297.00 FEET TO THE POINT OF BEGINNING, EXCEPT FOR THE SOUTH 25 FEET OF SAID TRACT BEING THE RIGHT-OF-WAY OF CEDAR STREET, ALL IN THE CITY OF OLATHE, IN JOHNSON COUNTY, KANSAS.

SECTION THREE: In accordance with K.S.A. 12-1750 *et seq.*, as amended, the Governing Body, having heard all evidence submitted by the owner of record, the owner's agent, any lienholder of record, any occupants having an interest in the structure, as well as evidence submitted by the Enforcing Officer, who filed the written statement as required by statute, hereby finds that the structure in question is unsafe and dangerous and hereby orders that said structure be repaired or removed and that the owner of record shall commence the repair by obtaining all required building permits or removal of said structure on or before August 20, 2026.

SECTION FOUR: Accordingly, pursuant to K.S.A. 12-1750 *et seq.*, as amended, the Governing Body hereby orders the owner of record of 414 E. Cedar Street either to repair the structure or to raze and remove said structure until the premises are made safe and secure and further orders that the owner of record must commence the repair or removal of said structure on or before August 20, 2026.

SECTION FIVE: If the owner of record fails to comply with Sections Three and Four of this Resolution, or fails thereafter to diligently prosecute the same until the work is completed and the premises are made safe and secure, the Governing Body hereby directs the Enforcing Officer to raze and remove the structure.

SECTION SIX: If the owner of record fails to comply with Sections Three and Four of this Resolution, or fails thereafter to diligently prosecute the same until the work is completed and the premises are made safe and secure and if such work subsequently is undertaken by the Enforcing Officer, then the Governing Body directs the Enforcing Officer, in accordance with K.S.A. 12-1750 *et seq.*, as amended, to keep

an account of the costs of such work, to sell any salvage from the structure in question, and to apply any proceeds from those sales to the costs of razing and removing said structure and making the premises safe and secure. Any moneys that may be received from salvage that are in excess of the costs of razing and removing the structure to make the premises safe and secure, including the costs of publication and the costs of postage for mailing notices, shall, after the payment of those costs, be paid to the owner of the subject property.

SECTION SEVEN: If the owner of record fails to comply with Sections Three and Four of this Resolution, or fails thereafter to diligently prosecute the same until the work is completed and the premises are made safe and secure and if such work subsequently is undertaken by the Enforcing Officer and the costs of doing such exceed the moneys realized by any sale of salvage, then the Governing Body directs the Enforcing Officer to give notice to the owner of record of the total costs incurred by 2 the City, less any receipts for the sale of salvage. If those costs, if any, are not paid within thirty (30) days of the service of the notice, then the Governing Body directs City staff to collect such costs in the manner provided by K.S.A. 12-1,115 or to assess such costs as a special assessment against the real property, all in accordance with K.S.A. 12-1750 et seq., as amended.

SECTION EIGHT: The City Clerk is directed to cause a copy of this Resolution to be published one (1) time in the official newspaper and to mail, by certified mail, copies of the Resolution to the owners, agents, lienholders of record, and any occupants of said structure within three (3) days after the publication of this Resolution, all in the manner provided by law.

ADOPTED by the Governing Body this 21st day of July, 2026.

SIGNED by the Mayor this 21st day of July, 2026.

Mayor

ATTEST:

(SEAL)

City Clerk

APPROVED AS TO FORM:

City Attorney