

**RESOLUTION NO.1138**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, ORDERING THE ABATEMENT OF UNLAWFUL CONDITIONS EXISTING AT THE LOTS LOCATED IN THE UP RAILROAD RIGHT OF WAY, EAST OF THE RAILROAD TRACKS, WEST OF CONVESSE AVENUE, BETWEEN E 6TH AND E 7TH STREETS, IN VIOLATION OF THE CODE OF THE CITY OF COLBY, KANSAS, 2017, CHAPTER 8, ARTICLE 2A: ENVIRONMENTAL CODE.**

**WHEREAS**, the Enforcing Officer of the City of Colby, Kansas did on the 3rd day of September, 2019, file with Governing Body of said City, a statement in writing that the property located within said city is unsightly and containing hazardous conditions, so as to constitute a nuisance, as defined by Section 8-2A09 of the Code of the City of Colby, KS. 2017; and

**WHEREAS**, the Governing Body did, on the 3rd day of September, 2019, adopt an Order of Violation finding an environmental nuisance existed on the property hereinafter described and did cause the Order of Violation to be served upon the owner, Paul Stephens, by certified mail, but the nuisance and health hazard has not been abated.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, THAT:**

The industrial property described as: the Lot located in the UP Railroad Right-of-Way, East of the railroad track, West of Convesse Avenue, between East 6<sup>th</sup> and East 7<sup>th</sup> Streets, is of a quality and appearance not commensurate with the character of the neighborhood. The governing body directs that the environmental hazards and nuisance is to be abated and made safe and sanitary.

**BE IT FURTHER RESOLVED**, that if the owner fails to abate the environmental hazard and nuisance and make said property safe and sanitary within ten (10) days after passage of this Resolution, the governing body may take such further action as it deems necessary to abate the environmental hazard and nuisance without further notice to the owner or other parties in interest.

**BE IT FURTHER RESOLVED**, that in the event the City of Colby abates the environmental hazard and nuisance and if the owner shall fail to pay the costs of abatement, the costs may be assessed as a special assessment and charged against the property as provided in Section 8-2A15 of the Code of the City of Colby, KS 2017.

**BE IT FURTHER RESOLVED**, that the City Clerk shall cause this Resolution to be served upon Paul Stephens personally or by certified mail, return receipt requested.

Adopted this 1st day of October, 2019.

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Gary Adrian, Mayor

ATTEST:

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City Clerk

**CERTIFICATE OF MAILING**

STATE OF KANSAS        )  
COUNTY OF THOMAS    ) ss:  
CITY OF COLBY         )

I, Joni L. Ketchum, City Clerk of the City of Colby, Thomas County, Kansas, do hereby certify that I caused a true and correct copy of Resolution No. 1138, finding that the property located at the Lot located in the UP Railroad Right-of-Way, East of the railroad tracks, West of Convesse Avenue, between E. 6<sup>th</sup> and E. 7<sup>th</sup> Streets, as shown by the recorded plat thereof, is unsafe or dangerous and directing that the residential structure be abated and the property made safe and sanitary, to be served upon each of the persons or entities named herein by placing the same in the United States mail as certified mail marked as "deliver to addressee only", in individual envelopes on the 2<sup>nd</sup> day of October, 2019, and addressed as follows:

Paul Stephens  
1075 W. 7<sup>th</sup> Street  
Colby, KS 67701

Said persons or entities being the owner, his or her agent, lien holders of record, occupants and all other parties in interest of the property described in said resolution.

The receipts of certified mailing are attached hereto.

In witness whereof, I have set my hand and seal this 2nd day of October, 2019.

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Joni L. Ketchum, City Clerk

Seal