

**RESOLUTION NO. 1157  
NO ACTION TAKEN**

**A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF COLBY, KANSAS, ORDERING THE ABATEMENT OF UNLAWFUL CONDITIONS ON THE PREMISES LOCATED AT 210 S. CHICKAMAUGA AVENUE, COLBY, KANSAS, IN VIOLATION OF THE CODE OF THE CITY OF COLBY, KANSAS, 2017, CHAPTER VIII, ARTICLE 2A OF THE CITY CODE: ENVIRONMENTAL CODE.**

**WHEREAS**, the Code Enforcement Officer of the City of Colby, Kansas, did on the 19th day of January, 2021, file with the Governing Body of said City, evidence that the property located at 210 S. Chickamauga Ave, within said City contains unlawful conditions, so as to violate the Environmental Code of the City of Colby, Kansas, as defined by Section 8-2A09 of the Code of the City of Colby, Kansas, 2017; and

**WHEREAS**, the Governing Body did, on the 19th day of January, 2021, adopt an Order of Violation finding unlawful conditions that do violate the Environmental Code of the City of Colby, Kansas on the property hereinafter described and did cause the Order of Violation to be served upon the owner, Dallas Lemmann, by certified mail, but the unlawful conditions have not been abated.

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

The residential property described as 210 S. Chickamauga Ave, is of a quality and appearance not commensurate with the character of the neighborhood. The Governing Body directs that the unlawful conditions in violation of the Environmental Code of the City of Colby, Kansas are to be abated and made safe and sanitary immediately.

**BE IT FURTHER RESOLVED**, that if the owner fails to abate the unlawful conditions in violation of the Environmental Code 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 unlawful conditions without further notice to the owner or other parties-in-interest as provided in Section 8-2A12.

**BE IT FURTHER RESOLVED**, that in the event the City of Colby abates the unlawful conditions and if the owner shall fail to pay the costs of such abatement, the costs may be assessed a special assessment and charged against the property as

provided in Section 8-2A15 of the Environmental Code of the City of Colby, Kansas, 2017.

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

Adopted this 2nd day of March, 2021.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

**CERTIFICATE OF MAILING**

STATE OF KANSAS        )  
COUNTY OF THOMAS    ) ss: Dallas Lemmann  
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. 1157, finding that the property located at 210 S. Chickamauga Ave, as shown by the recorded plat thereof, contains unlawful conditions and directing that the residential yard 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 3rd day of March, 2021, and addressed as follows:

Dallas Lemmann  
210 S. Chickamauga Ave.  
Colby, KS. 67701

Said persons or entities being the owner, agent or occupant 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 3rd day of March, 2021.

Seal

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Joni L. Ketchum, City Clerk