

RESOLUTION NO. 22-17

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF MCPHERSON, KANSAS (“CITY”) REGARDING AN UNSAFE AND DANGEROUS STRUCTURE COMMONLY KNOWN AS 918 S. ELM, MCPHERSON, KANSAS.

WHEREAS, pursuant to K.S.A. 12-1750 *et seq* and Code Section 18-1051 *et seq*, the City of McPherson, Kansas (“City”) may deem structures unsafe and/or dangerous and direct the structures to be repaired or removed and the premises made safe and secure.

WHEREAS, pursuant to legal requirements a hearing was held on August 9, 2022, and September 20, 2022, as provided in Resolution 22-11 and Resolution 22-14 to consider an unsafe and/or dangerous structure;

WHEREAS, based upon the evidence presented, the governing body has made certain determinations.

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

After hearing the statements of the parties, reviewing the City file and being duly and well informed, the governing body hereby makes the following finds of fact and conclusions of law:

1. A title report, prepared by Security 1st Title, dated October 1, 2021, Mark Depperschmidt is the owner of record of the property.
2. No other parties are required to receive notice.
3. Proper notice of this hearing to all interested parties has been made pursuant to legal requirements.
4. The City’s enforcing officer for purposes of K.S.A. 12-1750 is the Building Inspector.
5. By letter dated March 30, 2022, Ryan Rank, the Building Inspector determined that the Structure were unfit and unsafe. Without limitation, the house is unfit and unsafe because:
 - a. Exposed rafter ends, rafters have been exposed to the weather and elements for an extended amount of time. Deterioration is noted and the general

structural integrity of these rafters is of concern. The roof on the west side of the structure is caving in, and the rear of the building is exposed to the elements.

- b. Several windows are broken or missing entirely.
- c. Guttering and downspouts are falling away from the building.
- d. There are several large cracks in the foundation, specifically the stem walls that appear to be detrimental to the structural stability of the home.

As a result, the Structure is unfit and unsafe.

6. Numerous pictures of the Structure were presented.

7. The governing body is also aware that:

- a. Numerous other enforcement actions against the property for Code violations were abated.
- b. Real property taxes are current as of October 1st 2021.
- c. The property has been abandoned for a considerable period of time.


After considering the evidence and statements presented, the governing body of the City of McPherson, Kansas finds the house on the property legally described as:

BOWKER'S ADDITION, BLOCK 9, Lot 5, SECTION 33 TOWNSHIP 19
RANGE 03, City of McPherson, McPherson County, Kansas and
commonly known as 918 South Elm Street, McPherson, Kansas

as unsafe and dangerous. The owner of the property has refused all communication attempts by the City of McPherson. The owner has not attempted any repairs. The governing body of McPherson Kansas will cause the house to be razed and removed. Costs shall be assessed to the owner as provided by law.

ADOPTED by the governing body this 20th day of September, 2022.




Thomas A. Brown, Mayor

ATTEST:


Britta Erkelenz, City Clerk