

**RESOLUTION NUMBER 2022-003
SETTING OF A SHOW CAUSE HEARING**

A RESOLUTION SETTING A SHOW CAUSE HEARING TO DETERMINE IF THE RESIDENTIAL STRUCTURE LOCATED AT 216 W. OAK, BUCKLIN, KANSAS, IS A DANGEROUS STRUCTURE UNFIT FOR HUMAN HABITATION THAT SHOULD BE CONDEMNED AND REMOVED, PROVIDING NOTICE TO ANY OWNERS, OWNERS' AGENTS, LIENHOLDERS OF RECORDS, AND/OR ANY OCCUPANTS OF SUCH STRUCTURE, AND DECLARING THE SAME TO BE AN IMMEDIATE HAZARD REQUIRING SUCH STRUCTURE TO BE BARRICADED AND VACATED WITHOUT DELAY.

WHEREAS, on February 16, 2022, deputies with the Ford County Sheriff's Office, while investigating certain alleged violations of the Criminal Code of the State of Kansas, lawfully entered upon the property located at 216 W. Oak, Bucklin, Kansas, and did lawfully enter into the residential structure located thereon; and

WHEREAS, while inside the residence located at 216 W. Oak, Bucklin, Kansas, deputies observed roaches crawling on the walls, mice present inside the home, dog feces on the floor, the overwhelming smell of feces, mold, and garbage. The deputies' observations were recorded on the deputies' body cameras; and

WHEREAS, Kevin Israel, Director of Development Services with the City of Dodge City, Kansas, an individual familiar with the Code of the City of Bucklin's provisions in Chapter VIII, Article 5, concerning Dangerous and Unfit Structures, and who is engaged in code enforcement activities for the City of Dodge City, did review the deputies' body cameras from February 16, 2022, and advised the Mayor that, in Mr. Israel's opinion, the residence at 216 W. Oak, Bucklin, Kansas, was dangerous and unfit for human habitation; and

WHEREAS, 216 W. Oak Street, Bucklin, Kansas, is a structure as defined by Chapter VIII, Article 5, Section 2, paragraph (b) and is located within the corporate limits of the City of Bucklin, Kansas; and

WHEREAS, on February 16, 2022, at the time of the events recited *supra*, Vicki Williamson, the enforcing officer for the City of Bucklin, was not available to perform her duties and the Mayor was acting as the enforcing officer, as an authorized representative of the public officer; and

WHEREAS, Article VIII, Section 5 of the Code of the City of Bucklin, and K.S.A. 12-1750ff provide the governing body of the City of Bucklin with the powers to find structures located within the corporate limits of the City to be dangerous and unsafe, to cause such structures to be repaired or removed, following the provision of notice to all owners, owners' agents, lienholders of records, and any occupants of the property and the conducting of a show cause hearing; and

WHEREAS, Article VIII, Section 5, furthermore permits the governing body to direct that barricades be erected, or the property to be vacated or otherwise made safe without delay, whenever any structure is found, in the opinion of the governing body, such structure is in such a condition as to constitute an immediate hazard requiring immediate action to protect the public.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF BUCKLIN ON THIS FOURTEENTH DAY OF MARCH, 2022:

- Section 1: The residence located at 216 W. Oak, Bucklin, Kansas, presents an immediate hazard requiring immediate action to protect the public and is therefore ordered barricaded and vacated without delay. Occupants or other interested parties may petition the governing body for limited access to the residence in order to retrieve personal effects, upon such reasonable conditions and with such limitations as the governing body may impose.
- Section 2: A show cause hearing is hereby scheduled before the governing body of the City of Bucklin, Kansas, on April 25, 2022, at 7:00 p.m. at the Bucklin City Hall, 117 W. Oak, Bucklin, Kansas, for the purpose of hearing evidence from any interested party and determining whether the residence located at 216 W. Oak is a dangerous and unfit structure and should be condemned, repaired, and/or removed and the expenses incurred thereby should be assessed against the owners, owners' agents, lienholders of record, and/or occupants of such residence..
- Section 3: Any owners, owners' agents, lienholders of record, and/or occupants of the residence located at 216 W. Oak, Bucklin, Kansas, are ordered to appear in person before or otherwise submit evidence to the governing body on April 25, 2022 at 7:00 p.m..
- Section 4: This Resolution is to be published once per week for two consecutive weeks on the same day of each week in the Bucklin Banner.
- Section 5: A copy of this Resolution shall be mailed by certified mail within three days after its first publication to each owner, owner's agent, lienholder of record, and/or occupant at such person's or entity's last known place of residence and shall be marked "Deliver to Addressee Only."

ADOPTED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR THIS 14TH DAY OF MARCH, 2022.

CLAYTON SELLARD, MAYOR

ATTEST:

NANETTE DILL, CITY CLERK