

RESOLUTION 28-2024 (B)

WHEREAS the City of Leon, Kansas, has determined that this property has an exterior condition (yard) & (structure) that is a blight to the neighborhood that exists upon the following described real estate as defined in the Code of the City, Section 8-301 and Section 8-608: 402 N. West St. and 410 N. West St., Leon, Kansas also taxed as 402 N. West St., Leon, Kansas.

WHEREAS for ease of explanation, this Resolution will be referring to both of the above addresses when it is stated 402 N. West St., Leon, Kansas;

WHEREAS the owner(s), Hollie Jimenez, was notified of such by the City in writing numerous times since October 2023 and failed to abate the conditions fully as requested;

WHEREAS the owner(s), Hollie Jimenez, has been notified numerous times in the year 2024 about the non-compliance with the current city codes and has failed to abate the conditions fully as requested;

WHEREAS the Leon Code Enforcement/Public Officer, Geri Ebersohl, determined the property is a blight to the neighborhood and community and has conditions that are injurious to the health, safety, or general welfare of the residents of the community or conditions that are detrimental to adjoining property, the neighborhood or the city on October 11, 2023;

WHEREAS the owner(s), Hollie Jimenez, was personally served on October 23, 2023, of the city's determination that the property is a blight to the neighborhood and community and has conditions that are injurious to the health, safety, or general welfare of the residents of the community or conditions which are detrimental to adjoining property, the neighborhood or the city;

WHEREAS the owner(s), Hollie Jimenez, accepted the service on October 23, 2023;

WHEREAS the owner(s), Hollie Jimenez, did not request a public hearing within the allotted given but instead worked with the Code Enforcement Officer to try to become compliant;

WHEREAS the owner(s), Hollie Jimenez, did not become fully compliant with the current city codes and, from a document requested per the Kansas Open Records Act, the city was made aware of the Butler County of Kansas findings in 2012 of the property;

WHEREAS, per the owner(s), Hollie Jimenez's writing stated she paid \$19,800 at auction, and they were old and run down. The older building is being used for storage at this time and there are foundation problems, water leak problems and rotting wood etc.;

WHEREAS per the owner(s) own admission, the property is only, in her opinion, worth \$20,000;

WHEREAS the County personnel who held the hearing, with Hollie Jimenez appearing in person, listed the forced air unit as not having proper ventilation, the church has a water leak, and the water has been shut off until the leak is found; the church has termite damage and wood rot. In the house, County personnel listed the termite damage and bathroom floors needing to be redone; cabinets are not fastened to the walls and are just hanging. After reviewing the pictures, the County personnel deemed the church has major structural issues before the property is safe, and the house also has some major issues to be addressed before the property is better than poor condition;

WHEREAS the County, at the time, adjusted the property value of the buildings from \$93,320 to \$29,060, a difference of \$64,260 for tax revenue allotted to the same entities everyone else is required to pay while having their properties in compliance with the city codes.

WHEREAS the City of Leon governing body has allowed Hollie Jimenez numerous extensions and more time, also in the past, as she requested to alleviate the conditions but has failed to do so entirely;

WHEREAS the City of Leon did, at their own cost, have the yard brought to compliance by hiring someone to do so;

WHEREAS the City of Leon governing body allows thirty (30) days from this passage of the Resolution to have all structures on the property in repaired conditions with no broken windows, doors, hinges, siding, or other like conditions and to be habitable or to be used as listed by the Butler County taxing offices in El Dorado, Kansas, at the time of sale when the

property was purchased;

WHEREAS the City of Leon governing body allows within those thirty (30) days to provide a signed written report, at her cost, from a Licensed Structural Inspector to show the structures located at 402 N. West St. and 410 N. West St., Leon, Kansas is fit to be lived in or used as the purpose that was listed at the time of sale and not inhabitable;

WHEREAS the City of Leon governing body will begin abatement processes if the inspection report is not received within thirty (30) days from this passage of the Resolution;

WHEREAS if the report shows the structure(s) is not habitable, the process of abatement will begin thirty (30) days after the report is provided if the governing body does not approve a plan of repair;

Whereas if the report shows the house is habitable, the governing body will allow thirty (30) from the inspection report to present a plan to correct all non-compliance items with the property and present it to the governing body to approve or correct;

WHEREAS the City of Leon Code allows, in addition to or as an alternative to prosecution, the above set out conditions in this Resolution;

The City of Leon did not have (structure) added for a violation of 8-608; therefore, an amendment is needed to clarify the violation. The amendment extends the time to start on November 4th for thirty (30) days.

THEREFORE, be it resolved by the Governing Body of the City of Leon, Kansas, that the City, if after the times given, it is necessary to abate the conditions to improve the premises to eliminate the conditions, will place a lien upon the property for the costs of the abatement that the city clerk certify such costs to the county clerk for assessment to the property taxes of the described property;

In addition, if it is resolved by the Governing Body of the City of Leon, Kansas, the public officer may file a complaint in the municipal court against any person found to violate Section 8-301 and Section 8-608. Upon such complaint in the municipal court, if found to violate Section 8-301 and Section 8-608 shall upon conviction, be punished by a fine of not less than \$50 nor more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment, for each offense. A separate offense shall be deemed committed on each day during or on which such violation is permitted to exist/

ADOPTED by the Governing Body of the City of Leon, Kansas, this 4th day of November 2024.

Kristina Semisch

Kristina Semisch, Mayor

ATTEST:

Jodie Landler

Jodie Landler, City Clerk

