

**CITY OF WESTWOOD, KANSAS
RESOLUTION NO. 82-2020**

A RESOLUTION OF THE CITY OF WESTWOOD, KANSAS, TO REMOVE AND ABATE ABANDONED VEHICLES, PURSUANT TO K.S.A. 12-1617e, ET SEQ., AND CHAPTER VIII, ARTICLE 7 OF THE CODE OF THE CITY OF WESTWOOD, KANSAS, AND AMENDMENTS THERETO, REGARDING INOPERABLE AND NUISANCE VEHICLES ON THAT CERTAIN REAL PROPERTY, COMMONLY KNOWN AS 2330 W 48TH STREET.

WHEREAS, pursuant to K.S.A. 12-1617e and Chapter VIII, Article 7 of the Code of the City of Westwood, Kansas, the Governing Body of the City of Westwood, Kansas is granted, the authority to remove any vehicles located within the City that are inoperable and deemed a nuisance;

WHEREAS, in accordance with K.S.A. 12-1617e and Chapter VIII, Article 7 of the Code of the City of Westwood, Kansas, and amendments thereto, the Public Officer for the City of Westwood, Kansas, has filed with the Governing Body a statement in writing that the vehicles located on that real property, commonly known as 2330 W 48th Street, Westwood, Johnson County, Kansas, are inoperable and deemed a nuisance;

WHEREAS, the Public Officer on May 29, 2020 served an order of violation upon the property owner at 2330 W. 48th Street in accordance with WMC § 8-707 and 8-708 and K.S.A. § 12-1617e;

WHEREAS, following service of the order of violation the property owner at 2330 W. 48th Street failed to abate the Code violation identified in the order of violation or request a hearing before the Governing Body within 10 days as directed;

WHEREAS, the City upon notice, and under K.S.A. 12-1617e and Chapter VIII, Article 7 of the Code of the City of Westwood, Kansas, may ultimately remove and abate such vehicles, that, in such event, the owner may lose any interest in auction proceeds of such vehicles and that any costs borne by the City may be assessed against the real property.

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

SECTION 1. The above-stated recitals are incorporated herein by reference and shall be as effective as if set forth in full.

SECTION 2. The Governing Body does hereby find that the vehicle(s) identified in the order of violation are "inoperable" within the meaning of WMC § 8-702(a) and a "nuisance" within the meaning of WMC § 8-703 and K.S.A. 12-1617e(e).

SECTION 3. Pursuant to K.S.A. 12-1617e and Chapter VIII, Article 7 of the Code of the City of Westwood, Kansas, notice has been provided as required by law to the owner of 2330 W 48th Street, Westwood, Johnson County, Kansas, and bearing the legal description, to-wit:

WESTPORT ORCHARD ADDITION, A SUBDIVISION OF LAND IN JOHNSON COUNTY
KANSAS, LTS 23 & 24

that the owner shall abate or request a hearing before the governing body relating to the inoperable vehicle(s) on the property and that failure to abate or request a hearing may result in the City's abatement of such inoperable vehicles.. The Governing Body finds that the property owner has failed to abate or request a hearing within 10 days of service as required by the order of violation served by the Public Officer.

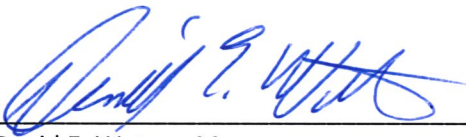
SECTION 4. The City Clerk is hereby directed to serve this resolution in accordance with WMC § 8-710 and in the event that the whereabouts of the property owner are unknown and cannot be determined through reasonable diligence, publish this resolution, once each week for two consecutive weeks, on the same day each week, in the official newspaper of the City, the foregoing Resolution.

SECTION 5. Within 10 days after the passage of this resolution, the Public Officer or other agents of the City are hereby authorized to abate the conditions causing the violation.

SECTION 6. Following abatement by the City, the City Clerk shall give notice to the property owner or their agent by personal service or by certified mail, return receipt requested, of the total cost of the abatement or removal by the City in accordance with WMC § 8-713 and is authorized to pursue levying of a special assessment against the property as therein provided in the event that the costs remain unpaid after 30 days.

SECTION 7. The City Clerk is hereby authorized to take such acts to cause the disposition of the inoperable vehicle(s) abated from the subject property in accordance with K.S.A. 12-1617e(e) and K.S.A. 8-1102(a)(2).

ADOPTED by the Governing Body of the City of Westwood, Kansas, this 9th day of July, 2020.




David E. Waters, Mayor

ATTEST:



Leslie Herring, City Clerk

APPROVED AS TO FORM AND LEGALITY



Ryan B. Denk, City Attorney