

RESOLUTION NO. 2024-04

A RESOLUTION AUTHORIZING THE PUBLIC OFFICER TO ABATE THE INOPERABLE MOTOR VEHICLE AT 507 S Wood ., CANEY, KANSAS, PURSUANT TO ARTICLE 4 OF THE HEALTH AND WELFARE CODE OF THE CITY OF CANEY.

WHEREAS, Caney, Kansas (the “City”) has adopted a Health and Welfare Code (i.e. Chapter 8 of the Code of Ordinances; hereinafter referred to as the “Code”); and

WHEREAS, the City’s Public Officer has observed certain Code violations at 507 S Wood e.; i.e., an inoperable vehicle (the “Vehicle”), as defined by the Code; and

WHEREAS, the owner of the property is Donald and Debbie Milholland; and

WHEREAS, on or about December 7, 2023, the Public Officer caused a Notice of Violation to be sent to Donald and Debbie Milholland via certified mail, which gave said person 10 days to abate said condition; and

WHEREAS, the condition has not been abated and the property continues to be in violation of the Code; and

WHEREAS, pursuant to Section 8-410 of the Code, the City may adopt a resolution authorizing the Public Officer or other agents of the City to abate the condition causing the violation at the end of ten (10) days following adoption of such resolution.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Caney, Kansas, that the Public Officer be and is hereby authorized and directed to abate the conditions at the subject property, causing said property to be in violation of the Code, at the end of ten (10) days following adoption of this resolution.

BE IT FURTHER RESOLVED that the costs incurred by the City for such abatement shall be charged against the owner(s) of the property and may be assessed against the property in the manner provided in Section 8-413 of the Code.

BE IT FURTHER RESOLVED that a copy of this resolution shall be served upon the owner(s) in one of the following manners:

- (1) By personal service;
- (2) By certified mail, postage prepaid, return receipt requested; or
- (3) If the whereabouts of such person(s) is unknown and the same cannot be ascertained in the exercise of reasonable diligence, an affidavit to that effect shall be made by the Public Officer and filed with the City Clerk, and the serving of the resolution shall be made by publishing the same once each

week for two (2) consecutive weeks in the official city newspaper and by posting a copy of the resolution on the subject property.

BE IT FURTHER RESOLVED that in the event service of a copy of this resolution is accomplished by publication notice, the condition creating the violation of the Code shall be abated no sooner than ten (10) days following the first publication.

Adopted this 16 day of January 2024.




Mayor

ATTEST:

Ambler Dean
City Clerk