INDEPENDENCE CITY COMMISSION

REGULAR SESSION AGENDA

December 14, 2023

5:30 PM

Civic Center Memorial Hall

To participate by conference call:
1 785-289-4727 Conference ID: 847 753 695#

The Agenda shall be as follows:

I. REGULAR SESSION

A. Call to Order

B. Pledge of Allegiance to the United States of America

C. Adoption of Agenda

II. APPOINTMENTS

A. IHPRC -- One unexpired position -- Applications due on January 5, 2024

B. Planning Commission -- Two unexpired positions (Inside City), and one position expiring on January 1, 2024 (Outside City within 3 miles) -- Applications due on January 5, 2024

III. CONSENT AGENDA

(*Consent* is that class of Commission action that requires no further discussion or which is routine in nature. All items on the Consent Agenda are adopted by a single motion unless removed from the Consent Agenda.)

A. Consider a request from Harold and Dawn Mitchell to exceed the sewer cost share maximum for property located at 301 South 12th Street.

B. Consider approving Change Order 1 for Chestnut Mill and Overlay Project to Bettis Asphalt and Construction, Inc.

C. Consider authorizing the Mayor to sign the 2023 Tree City USA Application for Certification.

IV. PUBLIC HEARING

A. Public Hearing to consider condemnation of 427 S. 15th Street as dangerous and unsafe.

B. Public Hearing to consider the condemnation of 501 S. 15th Street as dangerous and unsafe.

C. Public Hearing to consider condemnation of 600 S. 15th Street as dangerous and unsafe.

D. Public Hearing to consider condemnation of 601 S. 15th as dangerous and unsafe.

E. Public Hearing to consider the condemnation of 1010 N. 9th Street as dangerous and unsafe.

F. Public Hearing to consider condemnation of 200 Arco Place as dangerous and unsafe.

V. ITEMS FOR COMMISSION ACTION

A. Consider setting the date of February 22, 2024, for a Public Hearing to consider the condemnation of 919 E. Birch St. as dangerous and unsafe.

B. Consider setting the date of February 22, 2024, for a Public Hearing to consider the condemnation of 1005 E. Birch as dangerous and unsafe.

C. Consider Adopting Resolution No. 2023-066 for the Sale of Series 2024 Temporary Notes.

D. Consider Adopting Resolution No. 2023-067 approving the redemption and payment of the City's Taxable Industrial Revenue Bonds, Series 2016 (Hugo's Industrial Supply).

VI. REPORTS

A. City Board Minutes

VII. CITY MANAGER'S COMMENTS

VIII. COMMISSIONERS' COMMENTS

IX. PUBLIC CONCERNS

X. EXECUTIVE SESSION

A. Personnel matters of non-elected personnel.

B. Discussions prior to acquisition of real estate.

XI. ADJOURNMENT

Presentation
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval Kelly Passauer**

AGENDA ITEM IHPRC -- One unexpired position -- Applications due on January 5, 2024

BACKGROUND We currently have openings on the Independence Historic Preservation and Research Commission (IHPRC). Applications are due by Noon on January 5, 2024.

The Independence Historic Preservation and Resource Commission shall consist of seven members who shall be appointed by the mayor subject to confirmation by a majority vote of the governing body of the city. Members whose terms have expired shall continue to serve until their successors have been appointed. The following qualifications shall apply to appointees to the IHPRC:

1. All appointees shall be residents of the city.
2. All appointees shall be persons who have demonstrated interest, knowledge or training in fields closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, archeology, planning, real estate, law, finance, building trades, urban design and geography.
3. Not less than three appointees shall be composed of persons who are engaged in or retired from preservation-related professions such as archeology, architectural history, conservation, cultural anthropology, curation, engineering, folklore, historic architecture, historic preservation planning, historic preservation and history; provided, however, that upon a demonstration that the required number of positions for preservation-related professionals could not be filled despite a reasonable effort to do so, the governing body may waive this requirement. What constitutes a reasonable effort to fill such positions shall take into consideration the possibility that the absence of certain preservation-related professions on the IHPRC may necessitate the retaining of consultants.

For more information, contact David Cowan at 620-330-0056, or visit this link: IHPRC City Code

To apply, click here: City Board Application

SUPPORTING DOCUMENTS

Presentation
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval Kelly Passauer**

AGENDA ITEM Planning Commission -- Two unexpired positions (Inside City), and one position expiring on January 1, 2024 (Outside City within 3 miles) -- Applications due on January 5, 2024

BACKGROUND We currently have openings on the Independence Planning Commission and Board of Zoning Appeals. Applications to serve on the Planning Commission and Board of Zoning Appeals are due by noon on January 5, 2024. Applicants must live within the City limits or within 3 miles.

For more information about the Planning Commission, visit this link: Planning Commission/Board of Zoning Appeals

To apply, click here: City Board Application

SUPPORTING DOCUMENTS

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Finance | **Director Approval** Lacey Lies

AGENDA ITEM Consider a request from Harold and Dawn Mitchell to exceed the sewer cost share maximum for property located at 301 South 12th Street.

SUMMARY RECOMMENDATION Authorize the request for in additional funds through the Sewer Cost Share agreement.

BACKGROUND On October 27, 2021 the Commission adopted a resolution modifying the Sewer Cost Share Program. The resolution indicated that the maximum amounts could be exceeded with approval of the City Commission if the applicant is low income and if more than one estimate is received, and if the additional funding is reimbursed to the City pursuant to a signed agreement wherein the property owner consents to an assessment against the property for the extra amount approved, amortized over 10 years at 4% interest per annum. All property owners of record must sign a sewer cost share agreement authorizing the assessment prior to receiving any funding which exceeds the grant maximum as provided herein. Harold Mitchell provided City staff with two estimates from Rincks Plumbing ($6,000) and Plumb-Crazy Plumbing ($7,222.50).

FINANCIAL INFORMATION Any additional funds over the $4,000 would be paid to Rincks Plumbing and assessed on the property taxes for repayment to the City over a period of 10 years.

SUGGESTED MOTION I move to approve the request for additional funds contingent upon the property owners' execution of the Sewer Cost Agreement for the repayment of funds.

SUPPORTING DOCUMENTS

1. Sewer Cost Agreement - 301 S 12th

SEWER COST AGREEMENT

This Agreement is entered into by and between the **City of Independence, Kansas,** a Kansas municipality, hereafter CITY, and Harold and Dawn Mitchell, hereafter CITIZEN.

Whereas, CITIZEN owns the following described property:

East 98' of Lot 1, Block 84 of the Original Plat to the City of Independence, Montgomery County, Kansas.

Common Address is 301 S. 12th Street.

And Whereas, CITIZEN is in the process of connecting the above property to CITY'S sanitary sewer system.

And Whereas, CITIZEN has made application to CITY pursuant to CITY'S Cost Share Grant Program for financial assistance in covering the cost of connecting CITIZEN'S property to CITY'S sanitary sewer system.

Now Therefore, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree to the following:

1. **Grant Award.** CITIZEN has been awarded $4,000 under CITY'S Cost Share Grant Program to be applied to the cost of connecting CITIZEN'S property to CITY'S sanitary sewer system.

2. **Additional Cost.** The cost of extending sanitary sewer service to CITIZEN'S property exceeds the amount of the Cost Share Grant awarded to CITIZEN by $2,000. CITY agrees to reimburse CITIZEN the extra cost in the amount of $2,000. In exchange, CITIZEN agrees to repay the above stated additional cost by allowing CITY to assess the additional cost against CITIZEN'S property over ten (10) years bearing interest at 4% per annum.

3. **Binding Effect.** This agreement shall be binding upon the heirs, successors and assigns of the parties hereto.

CITY OF INDEPENDENCE, KANSAS

_____ By:_____
DATE Name:
Mayor

ATTEST:

_____
DAVID W. SCHWENKER, City Clerk

CITIZEN

_____ _____
DATE Name:
Address:

_____ _____
DATE Name:
Address:

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Street | **Director Approval** John Garris

AGENDA ITEM Consider approving Change Order 1 for Chestnut Mill and Overlay Project to Bettis Asphalt and Construction, Inc.

SUMMARY RECOMMENDATION Approve change order.

BACKGROUND This Change Order is to increase the quantity of milling, overlay, and pavement marking to redo a segment of roadway that was not replaced on 8th Street directly south of Chestnut during a previous overlay. This work is complete. The total cost of the change is $10,237.26.

FINANCIAL INFORMATION $10,237.26 to be paid from Street Capital Reserve, Fund 22.

SUGGESTED MOTION I move to approve Change Order number 1 in the amount of $10,237.26 for the Chestnut Mill and Overlay Project to Bettis Asphalt and Construction, Inc.

SUPPORTING DOCUMENTS

1. Change Order 1- signed by Contractor

TRANSYSTEMS

TranSystems
115 S. Sixth Street
Suite B
Independence, KS 67301
Tel 620 331 3999
Fax 620 331 4082
www.transystems.com

Mr. John Garris
120 North 6th
Independence, KS
67301

Re. US 75/Chestnut Street Surface Preservation Project 2023

November 22, 2023

Mr. Garris,

Please find attached Change Order No. 1 for the above referenced project. This change order is a reconciliation of quantities for the NON PARTICIPATING Quantities for this project. The reason for the overrun of $10,237.26 is do to the extension of the Mill and Overlay operations on 8th Street to the South to meet up with a previous Mill and Overlay Operation. This enabled us to provide a smoother transition from the existing to the new along with providing a nicer product. Along with the additional quantities on milling and asphalt, we also overran the 4" yellow thermoplastic and replaced the existing striping that was overlayed along 8th Street. This overrun in quantities is less than the estimated value of $12,000.00 that was previous agreed upon by $1.762.74. If you have any questions, please feel free to contact me.

Thank You

Jon Johnson
Project Management
TranSystems

TRANSYSTEMS

Change Order

PROJECT:	**CHANGE ORDER NO.:** 001	Owner	X
US-75 Chestnut Street	**DATE:** 11/22/2023	Engineer	X
Surface Preservation Project		Contractor	X
75-063 U-2428-01(003)	**PROJECT NUMBER** P112210027	Field	X
TO CONTRACTOR	**CONTRACT DATE:** 8/14/2023	Other	
Bettis Asphalt & Construction, INC.	**CONTRACT FOR:** General Construciton		
PO BOX 1694			
Topeka, KS 66601			

THE CONTRACT IS CHANGED AS FOLLOWS:

This change order is to reconcile the final NON PARTICIPATING Quanties for this project. This change in quantities is due to the extention of the mill and overlay with perm. striping on 8th Street as agreed upon with the City of Independence on 11-14-2023. This work was done in order to improve the tie in and to match a previous overlay that was perfomed on the south end of the block.

Line	Description	Unit	Unit Price	Plan Qty.	Act. Qty.	Diff.	Cost Diff.
8	2" Milling	SY	$ 11.22	0.0	500.0	500.0	$ 5,610.00
9	HMA Surface (SM-12.5A)(PG	TONS	$ 138.92	0.0	28.0	28.0	$ 3,889.76
10	Pavement Marking(Thermopl	LF	$ 2.50	0.0	295.0	295.0	$ 737.50
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
						0.0	$ -
	Total of this Change Order						$ 10,237.26

Original Contract Sum	$	257,719.99
Net Change by Previouisly authorized Change Orders		
Contract Sum Prior to this Change Order	$	257,719.99
Contract Sum will be Increased by this Change Order by	$	10,237.26
New Contract Sum Including this Change Order	$	267,957.25

NOT VALID UNTIL SIGNED BY THE ENGINEER, CONTRACTOR AND OWNER

TranSystems	Bettis Asphalt & Construction	City of Independence
ENGINEER (*Firm Name*)	**CONTRACTOR** (*Firm Name*)	**OWNER** (*Firm Name*)
115 S. 6th, Independence, KS	PO BOX 1694, Topeka, KS	811 W. Laurel St., Independence
ADDRESS	**ADDRESS**	**ADDRESS**
BY (*Signature*)	**BY** (*Signature*)	**BY** (*Signature*)
Jon Johnson	Bill Delich	
(*Typed Name*)	(*Typed Name*)	(*Typed Name*)
11-28-2023	11-28-2023	
DATE	**DATE**	**DATE**

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Riverside Park **Director Approval** Scott Patton

AGENDA ITEM Consider authorizing the Mayor to sign the 2023 Tree City USA Application for Certification.

SUMMARY RECOMMENDATION City staff recommend approval of the application.

BACKGROUND On February 25th, 2016 the City Commission approved Ordinance # 4214 creating a Tree Board to honor the City's rich history of enjoying and preserving local natural resources, and to promote and protect the public health, safety and general welfare by providing for the development of a Community Forestry Plan to address the planting, maintenance and removal of trees located on public property, or which encroach upon public property, and to enhance the natural beauty of the community.

The attached application completes the certification for the 2023 calendar year.

FINANCIAL INFORMATION There is no financial impact to the budget.

SUGGESTED MOTION I move to sign the Tree City USA Applications for Certification for 2023.

SUPPORTING DOCUMENTS

1. 2023 TCUSA Application

2023 Tree City USA Application for Certification

The Tree City USA award is in recognition of work completed by the community during the 2023 calendar year.

PRIMARY CONTACT INFORMATION

Contact Name:
Leslie Fox

Email:
thiscreature@zoho.com

Phone:
+1 (918) 766-3396

Address:
400 Mickey Mantle WY

Independence , Kansas 67301

Independence COMMUNITY INFORMATION

Select which best describes your community:
Community has both a Tree Board and a Department Chair/City Manager

Ordinance Date:
03/01/2016

Ordinance Uploaded

Per-capita Expenditure
$3.21

Arbor Day Date
04/28/2023

Arbor Day Proclamation Uploaded

As Mayor or Equivalent of the Community of Independence

Mayor or Equivalent Signature	Title	Date

Application Certification (to be Completed by the State Forester)

The above-named community has made formal application to this office. I am pleased to advise you that we reviewed the application and have concluded that, based on the information contained herein, said community is eligible to be certified as a Tree City USA community, for the 2023 calendar year, having in my opinion met the standards required for recognition.

State Forester Signature	Title	Date

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 427 S. 15th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND The City of Independence building and code enforcement office have received numerous complaints about this structure and activity occurring at the residence and neighborhood. The structure at 427 S. 15th Street is a blight; doors are open, and the house is in disrepair and uninhabitable. The structure last had utilities in 2015. The City Staff have not received any contact from the structure's owner. The building department recommends the Commission condemn the structure as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to adopt a resolution condemning 427 S. 15th as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-059 - CONDEMNATION - DAYS - 427 S 15th
2. 427 S. 15th - NOTICE OF PH 11212023
3. O&E Report
4. Parcel Listing
5. Picture 1
6. Picture 2
7. Picture 3
8. Picture 4
9. Picture 5
10. Picture 6
11. Picture 7

RESOLUTION NO. 2023-059

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description
Lot 1 and the North ½ of Lot 2, Block 1 of the Andrews Subdivision of Lot 11, Holmans Suburban Addition to the City of Independence, Montgomery County, Kansas

Common Address
427 S 15th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 28th day of September 2023, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2023—045**, dated **September 28, 2023**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 6, 2023 and October 13, 2023**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description
Lot 1 and the North ½ of Lot 2, Block 1 of the Andrews Subdivision of Lot 11, Holmans Suburban Addition to the City of Independence, Montgomery County, Kansas

Common Address
427 S 15th Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 14th day of December, 2023.

(SEAL)

_____
Mayor

_____
City Clerk

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

November 21, 2023

Subject: Public Hearing Notice Regarding Property at 427 S. 15th Street - Immediate Action Required

Dear Ms. Padua-Panfilo,

I am writing to you concerning the property at 427 S. 15th Street. A Public Hearing to consider condemnation has been scheduled for **December 14, 2023, at 5:30 PM** before the Independence City Commission at 410 N. Penn Ave.
To avert condemnation of the aforementioned property, it is imperative that the ensuing actions be expeditiously undertaken:

- **Structural Repair:** Should you choose to pursue structural repair, we insist on submitting a detailed timeline outlining the proposed remedial measures. Subsequent to these repairs, the structure must successfully pass the Housing Quality Standards (HQS) inspection for occupancy. This documentation is to be forwarded to David Cowan at davidc@independenceks.gov.
- **Property Maintenance:** Ensure the sustained maintenance of the property, including the regular mowing and trimming of grass and shrubbery.
- **Demolition Procedures:** In the event that your decision is to proceed with the demolition of the structure, immediate commencement of this process is required. Furthermore, provide the City with a definitive timeline for the comprehensive removal of the structure and subsequent clearance of the lot. The acquisition of a demolition permit from the City of Independence is required for this purpose.

The failure to furnish the City of Independence with a comprehensive timeline for repairs or to adequately maintain the property will result in the formal recommendation of condemnation of the property on December 14, 2023.
Should you need clarification or have inquiries, please do not hesitate to contact me at 620-332-2528 (office), 620.330.0056 (mobile), or by email at davidc@independenceks.gov.
Your timely cooperation in this matter is appreciated.
Sincerely,

_____ _____

David Cowan, Building Inspector Date

STRATEGIC VISION: *Customer Service Excellence – Continuous Improvement – Teamwork*
David J. Cowan, Assistant City Manager-Director of Safety
P +1.620.332.2528 | **M** +1.620.330.0056 | **F** + 1.620.331.1628 |davidc@independenceks.gov
City of Independence | 811 W. Laurel Street | Independence, Kansas 67301

Security 1st Title

Date: October 03, 2023
Property Address: 427 S 15TH ST, INDEPENDENCE, KS 67301

File No.: OE007353
Title Contact: Ronda Ballew
Contact E-mail: rballew@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence - Attn: Dave Cowan

Effective Date of this Report: September 12, 2023, at 7:00 A.M.

On Real Estate described as:

Lot 1 and the N/2 of Lot 2, Block 1, Andrew's Subdivision of Lot 11, Holmans Suburban Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

Patricia Padua-Panfilo

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

1. General taxes and special assessments for the year 2016 in the amount of $235.00, DELINQUENT.

   Property ID # 063-087-36-0-10-38-007.00-0

   PIN # IC 2632

   Taxes are checked as a courtesy. Information is provided by the County Treasurer's Office on Date of Title Search. Abstracter cannot guarantee accuracy of Tax Records or validity of funds presented for payment. The Company will not be liable for Nuisance Taxes that are not of public record at time of title commitment/policy.

2. General taxes and special assessments for the year 2017 in the amount of $207.10, DELINQUENT.

3. General taxes and special assessments for the year 2018 in the amount of $123.32, DELINQUENT.

4. General taxes and special assessments for the year 2019 in the amount of $137.70, DELINQUENT.

5. General taxes and special assessments for the year 2020 in the amount of $69.64, DELINQUENT.

6. General taxes and special assessments for the year 2021 in the amount of $49.78, DELINQUENT.

7. General taxes and special assessments for the year 2022 in the amount of $28.96, DELINQUENT.

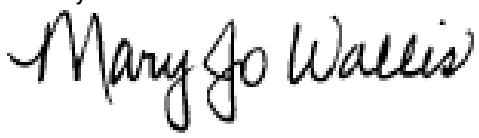
8. Any loss or damage including failure of title as a result of any attempt to set aside the sheriff's deed or the Tax Sale, Case No. 23 CV-21 C.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



Licensed Abstracter

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The Parcel Number for this Property is 063-087-36-0-10-38-007.00-0
Quick Ref ID: 4133

Owner Information

Owner Name	PADUA-PANFILO, PATRICIA
Address	308 WILLOW ST COFFEYVILLE, KS 67337

Property Situs Address

Address	427 S 15TH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	1,700	0	1,700
Total	1,700	0	1,700

Tract Description

ANDREWS SUBD, S36, T32, R15, LT 1; N/2 LT 2 BLK 1; Lot Width: 067.4 Lot Depth: 140.0 Plat Book/Page 4 /5 Deed Book/Page 662 /268 653 /1375 543 /135 503 /252 458 /323 431 /386 427 /102 427 /101 427 /100 142 /156

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
662	268	653	1375				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	vacant- 2	9380										1,700

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427



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 501 S. 15th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND The City of Independence Building and Code Enforcement office has received numerous complaints regarding the structure at 501 S. 15th. City Staff has found the structure to be open, with holes in the roof, trash, debris and tall grass. The structure last had utilities in June of 2021. City Staff have not received any communications from the owner of the structure. City staff recommends condemnation as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to adopt a resolution condemning 501 S. 15th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-060 - CONDEMNATION - DAYS - 501 S 15th
2. 501 S. 15th - Notice of PH Set 11212023
3. O&E Report
4. Parcel Listing - 501 S. 15th
5. Picture 1
6. Picture 2
7. Picture 3
8. Picture 4
9. Picture 5
10. Picture 6
11. Picture 7

RESOLUTION NO. 2023-060

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description
Lot 3 and the South 10 feet of Lot 2, Block 1 and Adjacent Vacated Alley of the Andrews Subdivision to the City of Independence, Montgomery County, Kansas

Common Address
501 S 15th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 28th day of September 2023, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2023—044**, dated **September 28, 2023**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 6, 2023 and October 13, 2023**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description
Lot 3 and the South 10 feet of Lot 2, Block 1 and Adjacent Vacated Alley of the Andrews Subdivision to the City of Independence, Montgomery County, Kansas

Common Address
501 S 15th Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 14th day of December, 2023.

(SEAL)

_____
Mayor

_____
City Clerk

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

November 21, 2023

Subject: Public Hearing Notice Regarding Property at 501 S. 15th Street - Immediate Action Required

Dear Ms. Ferguson,

I am writing to you concerning the property at 501 S. 15th Street. A Public Hearing to consider condemnation has been scheduled for **December 14, 2023, at 5:30 PM** before the Independence City Commission at 410 N. Penn Ave.

To avert condemnation of the aforementioned property, it is imperative that the ensuing actions be expeditiously undertaken:

- **Structural Repair:** Should you choose to pursue structural repair, we insist on submitting a detailed timeline outlining the proposed remedial measures. Subsequent to these repairs, the structure must successfully pass the Housing Quality Standards (HQS) inspection for occupancy. This documentation is to be forwarded to David Cowan at davidc@independenceks.gov.
- **Property Maintenance:** Ensure the sustained maintenance of the property, including the regular mowing and trimming of grass and shrubbery.
- **Demolition Procedures:** In the event that your decision is to proceed with the demolition of the structure, immediate commencement of this process is required. Furthermore, provide the City with a definitive timeline for the comprehensive removal of the structure and subsequent clearance of the lot. The acquisition of a demolition permit from the City of Independence is required for this purpose.

The failure to furnish the City of Independence with a comprehensive timeline for repairs or to adequately maintain the property will result in the formal recommendation of condemnation of the property on December 14, 2023.

Should you need clarification or have inquiries, please do not hesitate to contact me at 620-332-2528 (office), 620.330.0056 (mobile), or by email at davidc@independenceks.gov.

Your timely cooperation in this matter is appreciated.

Sincerely,

David Cowan
Building Inspector

Security 1st Title

Date: October 02, 2023
Property Address: 501 S 15TH ST, INDEPENDENCE, KS 67301

File No.: OE007363
Title Contact: Ronda Ballew
Contact E-mail: rballew@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence - Attn: David Cowan

Effective Date of this Report: September 12, 2023, at 7:00 A.M.

On Real Estate described as:

Lot 3 and the South 10 feet of Lot 2, Block 1, and adjacent vacated alley, Andrew's Subdivision to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

Richard Ferguson

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

1. General taxes and special assessments for the year 2016 in the amount of $149.60, DELINQUENT.

   Property ID # 063-087-36-0-10-41-001.00-0

   PIN # IC 2634

2. General taxes and special assessments for the year 2017 in the amount of $148.32, DELINQUENT.
3. General taxes and special assessments for the year 2018 in the amount of $137.10, DELINQUENT.
4. General taxes and special assessments for the year 2019 in the amount of $257.22, DELINQUENT.
5. General taxes and special assessments for the year 2020 in the amount of $124.80, DELINQUENT.
6. General taxes and special assessments for the year 2021 in the amount of $98.62, DELINQUENT.
7. General taxes and special assessments for the year 2022 in the amount of $109.42, DELINQUENT.

Taxes are checked as a courtesy. Information is provided by the County Treasurer's Office on Date of Title Search. Abstracter cannot guarantee accuracy of Tax Records or validity of funds presented for payment. The Company will not be liable for Nuisance Taxes that are not of public record at time of title commitment/policy.

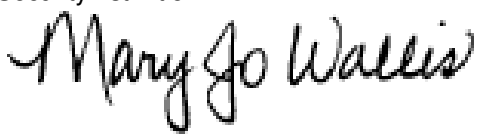
8. Any loss or damage including failure of title as a result of any attempt to set aside the sheriff's deed or the Tax Sale, Case No. 23 CV-21 C.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



Licensed Abstracter

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The Parcel Number for this Property is 063-087-36-0-10-41-001.00-0
Quick Ref ID: 4149

Owner Information

Owner Name	FERGUSON, KAYLENE
Address	501 S 15TH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	501 S 15TH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	5,040	1,170	6,210
Total	5,040	1,170	6,210

Tract Description

ANDREWS SUBD, S36, T32, R15, LOT 3; S 10' LOT 2 BLK 1; & N 15' ADJ ALLEY; Lot Width: 140.0 Lot Depth: 075.0 Plat Book/Page 4 /5 Lot Width: 140.0 Lot Depth: 075.0 Deed Book/Page 577/111 527 /513 519 /284 466 /105 464 /001 362 /144

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
578	615	577	111				

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	10500										5,040

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR-
Year Built	1900
Eff Year	
MS Style	1 1/2 Story Finished
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	1,444
Main Floor Living Area	1,174
Upper Floor Living Area Pct.	23
CDU	UN
Phys/Func/Econ	UN/ /
Ovr Pct Gd/RCN	/117,020
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	UN Dwelling (shed)
Bsmt Type	Crawl - 2
Total Rooms	7
Bedrooms	4
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Brick - 5

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	160		1	
Frame, Siding, Vinyl		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Wall Furnace		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

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REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 600 S. 15th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommend condemnation as dangerous and unsafe

BACKGROUND The City of Independence has received numerous complaints regarding this residence and the structure's condition, junking, campers, tents, and numerous transients living on the property. The property has no utilities and utilities were last on in 2010. The owner of the residence is deceased, and the City has made contact with the family of the deceased and they are aware of the situation occurring at this location. The structure and the property is a blight and is being used by transients to scrap and other activities that occur 24/7 at the residence and have created a nuisance to the neighborhood. The transients were issued citations by the code enforcement office and they are aware of the condemnation process. City Staff recommends condemnation as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to adopt a resolution condemning 600 S. 15th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-061 - CONDEMNATION - DAYS - 600 S 15th
2. Notice of PH Set 11212023 - 600 S. 15th
3. O&E Report - 600 S. 15th
4. Parcel - 600 S. 15th
5. Picture 1
6. Picture 2
7. Picture 3
8. Picture 4
9. Picture 5

RESOLUTION NO. 2023-061

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description
Lot 102 of the Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address
600 S 15th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 28th day of September 2023, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2023—042**, dated **September 28, 2023**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 6, 2023 and October 13, 2023**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description
Lot 102 of the Glenwood Addition to the City of Independence, Montgomery County, Kansas

Common Address
600 S 15th Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 14th day of December, 2023.

(SEAL)

_____
Mayor

_____
City Clerk

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

November 21, 2023

Subject: Public Hearing Notice Regarding Property at 600 S. 15th Street - Immediate Action Required

Dear Ms. Fromong,

I am writing to you concerning the property at 600 S. 15th Street. A Public Hearing to consider condemnation has been scheduled for **December 14, 2023, at 5:30 PM** before the Independence City Commission at 410 N. Penn Ave.

To avert condemnation of the aforementioned property, it is imperative that the ensuing actions be expeditiously undertaken:

- **Structural Repair:** Should you choose to pursue structural repair, we insist on submitting a detailed timeline outlining the proposed remedial measures. Subsequent to these repairs, the structure must successfully pass the Housing Quality Standards (HQS) inspection for occupancy. This documentation is to be forwarded to David Cowan at davidc@independenceks.gov.
- **Property Maintenance:** Ensure the sustained maintenance of the property, including the regular mowing and trimming of grass and shrubbery.
- **Demolition Procedures:** In the event that your decision is to proceed with the demolition of the structure, immediate commencement of this process is required. Furthermore, provide the City with a definitive timeline for the comprehensive removal of the structure and subsequent clearance of the lot. The acquisition of a demolition permit from the City of Independence is required for this purpose.

The failure to furnish the City of Independence with a comprehensive timeline for repairs or to adequately maintain the property will result in the formal recommendation of condemnation of the property on December 14, 2023.

Should you need clarification or have inquiries, please do not hesitate to contact me at 620-332-2528 (office), 620.330.0056 (mobile), or by email at davidc@independenceks.gov.

Your timely cooperation in this matter is appreciated.

Thank You,

David Cowan, Building Inspector
City of Independence Kansas
811 W. Laurel
Independence, Kansas 67301

Security 1st Title

Date: October 02, 2023
Property Address: 600 S 15TH ST, INDEPENDENCE, KS 67301

File No.: OE007349
Title Contact: Ronda Ballew
Contact E-mail: rballew@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence
Attn: David Cowan

Effective Date of this Report: September 12, 2023, at 7:00 A.M.

On Real Estate described as:

Lot 102, Glenwood Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

Donald Fromong, II

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

1. General taxes and special assessments for the year 2018 in the amount of $237.58, DELINQUENT.

   Property ID # 063-087-36-0-40-05-005.00-0

   PIN # IC 2568

2. General taxes and special assessments for the year 2019 in the amount of $358.42, DELINQUENT.

3. General taxes and special assessments for the year 2020 in the amount of $281.76, DELINQUENT.

4. General taxes and special assessments for the year 2021 in the amount of $282.60, DELINQUENT.

5. General taxes and special assessments for the year 2022 in the amount of $283.78, DELINQUENT.

   Taxes are checked as a courtesy. Information is provided by the County Treasurer's Office on Date of Title Search. Abstracter cannot guarantee accuracy of Tax Records or validity of funds presented for payment. The Company will not be liable for Nuisance Taxes that are not of public record at time oftitle commitment/policy.

6. Case No. 20 CV-52 I: Journal Entry of Default Judgment filed AUGUST 28, 2020 in favor of Cessna Employees Credit Union, Attorney - John B. Gilliam, Klenda Austerman LLC, 1600 Epic Center, 301 N. Main, Wichita, KS 67202-4888 -and- against Donald L. Fromong, II in the amount of $682.38, plus interest and penalties, in the District Court of MONTGOMERY, Kansas.

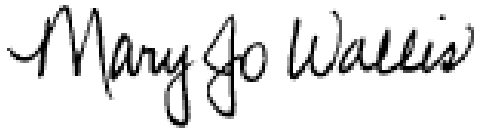
7. Any loss or damage including failure of title as a result of any attempt to set aside the sheriff's deed or the Tax Sale, Case No. 23 CV-21 C.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



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The Parcel Number for this Property is 063-087-36-0-40-05-005.00-0
Quick Ref ID: 4598

Owner Information

Owner Name	FROMONG, DONALD, II
Address	600 S 15TH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	600 S 15TH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Sidewalk - 6
Fronting	Dead End - 7
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3

Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	5,780	10,090	15,870
Total	5,780	10,090	15,870

Tract Description

GLENWOOD ADD, S36, T32, R15, Lot 102; Lot Width: 072.0 Lot Depth: 200.0 Plat Book/Page A /5 Lot Width: 072.0 Lot Depth: 200.0 Deed Book/Page 546 /467 509 /025 470 /274 440 /328 420 /065 413 /009 409 /024 408 /263 356 /431

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
546	**467**						

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	14400										5,780

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	LO+
Year Built	1900
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	5
Bedrooms	2
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	

Calculated Area	840
Main Floor Living Area	840
Upper Floor Living Area Pct.	
CDU	PR
Phys/Func/Econ	PR/ /
Ovr Pct Gd/RCN	/83,410
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Foundation	Concrete - 2

Dwelling Components

Code	Units	Pct	Quality	Year
Raised Slab Porch (SF) with Roof	138		1	
Frame, Plywood or Hardboard		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	9			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Wall Furnace		100		

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
35	Prefabricated Storage Shed	S	0.50	1	1900			64		8		1	2						780	10	80

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HYUNDAI

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 601 S. 15th as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND The City of Independence building and code enforcement has received numerous complaints about this structure and activity occurring in the structure. The City found the structure a blight and in disrepair with the back door kicked in, holes in the roof and the property without utilities since 2016. City Staff has been contacted by the father of the owner of the residence. He indicated that his daughter placed both of their names on the title but he has no contact with her and did not give permission for his name to be on the title. Staff has not received any contact from the daughter. Staff recommends condemnation of the structure.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair and removal of the structure.

SUGGESTED MOTION I move to adopt a resolution condemning 601 S. 15th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-062 - CONDEMNATION - DAYS - 601 S 15th
2. Notice of PH Set 11212023 - 601 S. 15th
3. Parcel - 601 S. 15th
4. OE007350_OE_Report
5. Picture 1
6. Picture 2
7. Picture 3
8. Picture 4
9. Picture 5
10. Picture 6
11. Picture 7

RESOLUTION NO. 2023-062

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description
Lot 12, and all that part of Lot 11, lying North of the Railroad right of way, in Block 1 of the McInnis & Andrews Sub-division of the S ½ of Lot 16, and N ¼ of Lot 17, Holman's Suburban Addition to the City of Independence, Montgomery County, Kansas

Common Address
601 S 15th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 28th day of September 2023, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2023—043**, dated **September 28, 2023**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 6, 2023 and October 13, 2023**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description
Lot 12, and all that part of Lot 11, lying North of the Railroad right of way, in Block 1 of the McInnis & Andrews Sub-division of the S ½ of Lot 16, and N ¼ of Lot 17, Holman's Suburban Addition to the City of Independence, Montgomery County, Kansas

Common Address
601 S 15th Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 14th day of December, 2023.

(SEAL)

_____
Mayor

_____
City Clerk

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

November 21, 2023

Subject: Public Hearing Notice Regarding Property at 601 S. 15th Street - Immediate Action Required

Dear Mr. Allen:

I am writing to you concerning the property at 601 S. 15th Street. A Public Hearing to consider condemnation has been scheduled for **December 14, 2023, at 5:30 PM** before the Independence City Commission at 410 N. Penn Ave.

To avert condemnation of the aforementioned property, it is imperative that the ensuing actions be expeditiously undertaken:

- **Structural Repair:** Should you choose to pursue structural repair, we insist on submitting a detailed timeline outlining the proposed remedial measures. Subsequent to these repairs, the structure must successfully pass the Housing Quality Standards (HQS) inspection for occupancy. This documentation is to be forwarded to David Cowan at davidc@independenceks.gov.
- **Property Maintenance:** Ensure the sustained maintenance of the property, including the regular mowing and trimming of grass and shrubbery.
- **Demolition Procedures:** In the event that your decision is to proceed with the demolition of the structure, immediate commencement of this process is required. Furthermore, provide the City with a definitive timeline for the comprehensive removal of the structure and subsequent clearance of the lot. The acquisition of a demolition permit from the City of Independence is required for this purpose.

The failure to furnish the City of Independence with a comprehensive timeline for repairs or to adequately maintain the property will result in the formal recommendation of condemnation of the property on December 14, 2023.

Should you need clarification or have inquiries, please do not hesitate to contact me at 620-332-2528 (office), 620.330.0056 (mobile), or by email at davidc@independenceks.gov.

Your timely cooperation in this matter is appreciated.

Thank You,

David Cowan,
Building Inspector

Print Page

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The Parcel Number for this Property is 063-087-36-0-40-10-001.00-0
Quick Ref ID: 4628

Owner Information

Owner Name	ALLEN, HARRY S & TILLEY, MANDA R
Address	716 S OZARK ST GIRARD, KS 66743

Property Situs Address

Address	601 S 15TH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Semi Improved Road - 2 Alley - 7
Fronting	Dead End - 7
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	4,780	10,820	15,600
Total	4,780	10,820	15,600

Tract Description

MCINNIS & ANDREWS SUB, S36, T32, R15, LOTS 11 & 12 BLK 1, LYG N RR R/W; LOT WIDTH: 140.0 LOT DEPTH; 065.2 Plat Book/Page 4 /4 Deed Book/Page 672 /254 599 /75 236 /477

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
672	254	599	75	592	2		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	9165										4,780

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR
Year Built	1900
Eff Year	
MS Style	Two Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	1,550
Main Floor Living Area	981
Upper Floor Living Area Pct.	58
CDU	FR-
Phys/Func/Econ	PR/ /
Ovr Pct Gd/RCN	/135,270
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Old Style
Bsmt Type	Crawl - 2
Total Rooms	6
Bedrooms	3
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Stone - 4

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Screened Walls	160			
Frame, Plywood or Hardboard		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Electric Radiant Heat		100		

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
39	Tool Shed	D	0.50	1	1900			400	80	8	20 X 20	1	1						3,320	6	200

Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
39	Single -Wall-Boards on Wood		100				

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Security 1st Title

Date: October 02, 2023
Property Address: 601 S 15TH ST, INDEPENDENCE, KS 67301

File No.: OE007350
Title Contact: Ronda Ballew
Contact E-mail: rballew@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence - Attn: David Cowan

Effective Date of this Report: September 12, 2023, at 7:00 A.M.

On Real Estate described as:

Lot 12, and all that part of Lot 11, lying North of the Railroad right of way, in Block 1, McInnis and Andrews Subdivision of the S/2 of Lot 16, and N 1/4 of Lot 17, Holman's Suburban Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

Harry S. Allen and Manda R. Tilley

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

1. General taxes and special assessments for the year 2021 in the amount of $285.72, DELINQUENT.

Property ID # 063-087-36-0-40-10-001.00-0

PIN # IC 2598

2. General taxes and special assessments for the year 2022 in the amount of $316.64, DELINQUENT.

Taxes are checked as a courtesy. Information is provided by the County Treasurer's Office on Date of Title Search. Abstracter cannot guarantee accuracy of Tax Records or validity of funds presented for payment. The Company will not be liable for Nuisance Taxes that are not of public record at time of title commitment/policy.

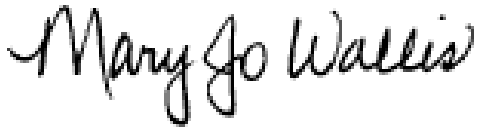
3. PENDING Dissolution of Non-Marital Relationship proceedings by and between Tamla R. Tilley, attorney - Cole A. Hoffmeister, Emert Chubb Reynolds, LLC, 204 E. Laurel, PO Box 747, Independence, KS 67301, petitioner, -and- Harry S. Allen respondent, filed OCTOBER 17, 2022, in the District Court of MONTGOMERY, Kansas, as Case No. 22 DM-197 I.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



Licensed Abstracter















REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Public Hearing to consider the condemnation of 1010 N. 9th Street as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends condemnation as dangerous and unsafe.

BACKGROUND The City has received numerous complaints about the occupants of the residence at 1010 N. 9th and the condition of the structure and the blight on the neighborhood. The neighbors' complaints include generators running, activity 24/7, blight, junking, and outside showering with buckets of water in view of the neighborhood. The structure has been without utilities since October 2021. The City staff has not received any communication from the occupant or owner of the residence. The City staff recommend condemnation as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to condemn 1010 N. 9th Street as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-063 - CONDEMNATION - DAYS - 1010 N 9th
2. Notice of PH Set 11212023 - 600 S. 15th
3. Parcel Listing
4. OE007365_OE_Report
5. Before Picture
6. Picture 1
7. Picture 2
8. Picture 3
9. Picture 4
10. Picture 5
11. Picture 6
12. Picture 7
13. Picture 8
14. Picture 9

RESOLUTION NO. 2023-063

A RESOLUTION FINDING THAT THE STRUCTURE, OR STRUCTURES, LOCATED ON THE FOLLOWING TRACT/PARCEL IN THE CITY OF INDEPENDENCE, MONTGOMERY COUNTY, KANSAS, IS UNSAFE AND DANGEROUS AND ORDERED CONDEMNED AND DIRECTING SAID STRUCTURE, OR STRUCTURES, TO BE REPAIRED OR REMOVED AND THE PREMISES MADE SAFE AND SECURE. SAID REPAIR OR REMOVAL WILL COMMENCE WITHIN **30 DAYS** OF THE PUBLICATION OF THIS RESOLUTION.

Legal Description
Lot 8, Block 2 of the Johnston's Second Addition to the City of Independence, Montgomery County, Kansas

Common Address
1010 N 9th Street

Mortgage

WHEREAS, the Building Inspector of the City of Independence, Kansas, did on the 28th day of September 2023, file with the Governing body of said City, a statement in writing that the structure, or structures, located on the above described tract/parcel is unsafe and/or dangerous; and

WHEREAS, the Governing body did by **Res. #2023—046**, dated **September 28, 2023**, fix a time and place of hearing at which time the owner, his or her agent, any lien holders of record and any occupant of such structure, or structures, could appear and show cause why such structure, or structures, should not be condemned and ordered repaired and/or demolished and further provided for the giving of notice thereof as provided by law; and

WHEREAS, such resolution was published in the official city newspaper on **October 6, 2023 and October 13, 2023**, a copy of such resolution and notice was mailed to the owner, his or her agent; any lien holders of record and any occupant of the structure, or structures, at his or her last known place of residence, at which hearing the governing body heard all persons and considered all evidence presented by interested parties, including the Building Inspector of the City of Independence, Kansas.

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

The said governing body hereby finds that the structure, or structures, located on the following described tract/parcel in the City of Independence, Montgomery County, Kansas:

Legal Description
Lot 8, Block 2 of the Johnston's Second Addition to the City of Independence, Montgomery County, Kansas

Common Address
1010 N 9th Street

Mortgage

Is unsafe and dangerous and constitutes a blight and therefore should be and is hereby condemned and it is hereby directed that such structure, or structures, be repaired or removed and the premises made safe and secure. The owner of the structure, or structures, is hereby given **30 days** from the publication of this resolution within which to commence such repair or removal and the premises made safe and secure. If the owner of such structure, or structures fails to diligently prosecute the same until the work is completed, said governing body will cause the structure, or structures, to be razed and removed, in order to make the premises safe and secure.

BE IT FURTHER RESOLVED, that the City Clerk shall cause this resolution to be published once in the official city newspaper and a copy mailed to the owner, his or her agent, lien holders and occupants as provided by law and a copy of said resolution shall be filed with the Montgomery County Register of Deeds.

Adopted this 14th day of December, 2023.

(SEAL)

_____
Mayor

_____
City Clerk

CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

November 21, 2023

Subject: Public Hearing Notice Regarding Property at 1010 N. 9th Street - Immediate Action Required

Dear Mr. Riedle:

I am writing to you concerning the property at 1010 N. 9th Street. A Public Hearing to consider condemnation has been scheduled for **December 14, 2023, at 5:30 PM** before the Independence City Commission at 410 N. Penn Ave.

To avert condemnation of the aforementioned property, it is imperative that the ensuing actions be expeditiously undertaken:

- **Structural Repair:** Should you choose to pursue structural repair, we insist on submitting a detailed timeline outlining the proposed remedial measures. Subsequent to these repairs, the structure must successfully pass the Housing Quality Standards (HQS) inspection for occupancy. This documentation is to be forwarded to David Cowan at davidc@independenceks.gov.
- **Property Maintenance:** Ensure the sustained maintenance of the property, including the regular mowing and trimming of grass and shrubbery.
- **Demolition Procedures:** In the event that your decision is to proceed with the demolition of the structure, immediate commencement of this process is required. Furthermore, provide the City with a definitive timeline for the comprehensive removal of the structure and subsequent clearance of the lot. The acquisition of a demolition permit from the City of Independence is required for this purpose.

The failure to furnish the City of Independence with a comprehensive timeline for repairs or to adequately maintain the property will result in the formal recommendation of condemnation of the property on December 14, 2023.

Should you need clarification or have inquiries, please do not hesitate to contact me at 620-332-2528 (office), 620.330.0056 (mobile), or by email at davidc@independenceks.gov.
Your timely cooperation in this matter is appreciated.

David Cowan
Building Inspector

Print Page

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The Parcel Number for this Property is 063-099-30-0-20-29-004.00-0
Quick Ref ID: 5953

Owner Information

Owner Name	RIEDLE, DAN & JANETTE
Address	PO BOX 28 SYCAMORE, KS 67363

Property Situs Address

Address	1010 N 9TH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.A
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	10,940	28,220	39,160
Total	10,940	28,220	39,160

Tract Description

JOHNSTONS 2ND ADD, S30, T32, R16, BLOCK 2, Lot 8; Lot Width: 050.0 Lot Depth: 140.0 Plat Book/Page 4 /24 Deed Book/Page 582 /587 338 /226

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
582	587	582	/587	338	226		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	7000										10,940

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR-
Year Built	1915
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	1,188
Main Floor Living Area	1,188
Upper Floor Living Area Pct.	
CDU	FR
Phys/Func/Econ	PR/ /
Ovr Pct Gd/RCN	/112,890
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	5
Bedrooms	3
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Block - 3

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	112			
Frame, Siding, Metal		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Forced Air Furnace		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				
Wood Deck (SF)	99		2	1980
Open Slab Porch (SF)	135		2	1970

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
66	Prefabricated Storage Shed	D	2.00	1	2003			120	44	8	12 X 10	1	0	0					2,930	0	0

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Security 1st Title

Date: September 25, 2023
Property Address: 1010 N 9TH ST, INDEPENDENCE, KS 67301

File No.: OE007365
Title Contact: Ronda Ballew
Contact E-mail: rballew@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of: City of Independence, 811 W. Laurel, Independence, KS 67301 - Attn: David J. Cowan

Effective Date of this Report: September 12, 2023, at 7:00 A.M.

On Real Estate described as:

Lot 8, Block 2, Johnston's Second Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

Dan Riedle and Jeanette Riedle

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

General taxes and special assessments for the year 2022 in the amount of $512.00, PAID.

Property ID # 063-099-30-0-20-29-004.00-0

PIN # IC 3444

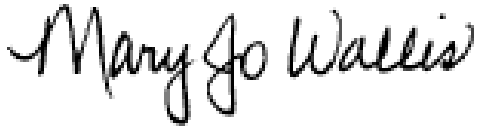
Taxes are checked as a courtesy. Information is provided by the County Treasurer's Office on Date of Title Search. Abstracter cannot guarantee accuracy of Tax Records or validity of funds presented for payment. The Company will not be liable for Nuisance Taxes that are not of public record at time of title commitment/policy.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



Licensed Abstracter

R5953
1010












BUD LIGHT
PRIVATE PROPERTY


BUD LIGHT
BUD LIGHT
PRIVATE PROPERTY





REQUEST FOR PLANNING COMMISSION ACTION

CITY OF INDEPENDENCE
DECEMBER 14, 2023

Department Admin **Prepared By** David Cowan

AGENDA ITEM Public Hearing to consider condemnation of 200 Arco Place as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends adjourning the meeting until May 23, 2024.

BACKGROUND On September 8, 2022, City Staff recommended scheduling a public hearing to deliberate on the condemnation of 200 Arco Place due to the building's deteriorating condition, which included broken windows, occupancy by homeless individuals, instances of vandalism, and citizen complaints. The structure has lacked utility services since 2019, and Code Enforcement has been addressing issues like tall grass and debris since the same year. Subsequent to the September 8, 2022, Commission meeting, Mr. Janak met with City Staff and promptly boarded up the first-floor windows that were previously damaged.

Mr. Janak inspected the entire building to ensure its evacuation. He engaged a company to secure all windows, clear debris, and remove a fallen tree before the November 10, 2022, meeting. During this meeting, Mr. Janak communicated to the City that he actively sought a buyer for the property, having toured the premises with interested parties and explored funding options to support potential buyers.

Despite Mr. Janak's efforts, vandalism and unauthorized access to the building persisted after November 2022. Vandals attempted to pilfer copper wiring by disconnecting telecom electrical service, resulting in the loss of several electric meters by Evergy. Steel cables and locks were subsequently implemented to thwart further vandalism, but perpetrators continued to breach the building, utilizing a basement window and a persistently broken first-floor window.

On May 16, 2023, Daniel Regan from Tulsa, Oklahoma, contacted the City, revealing himself as the new owner of the building. He expressed his intent to address concerns and will be present in Independence on Saturday, May 20, 2023. City staff met with Mr. Regan, who requested an adjournment of the public hearing to allow time for the development of a comprehensive plan for the building. Mr. Regan has already submitted Part 1 to the State Historic Preservation Office (SHPO) and is progressing through the necessary procedures. If all goes according to plan, he anticipates commencing renovation work in mid-2024, assuring the City that he will address both the vandalism and ground-related concerns.

The Building Department recommends adjourning the Public Hearing until May 23, 2024 at 5:30 PM.

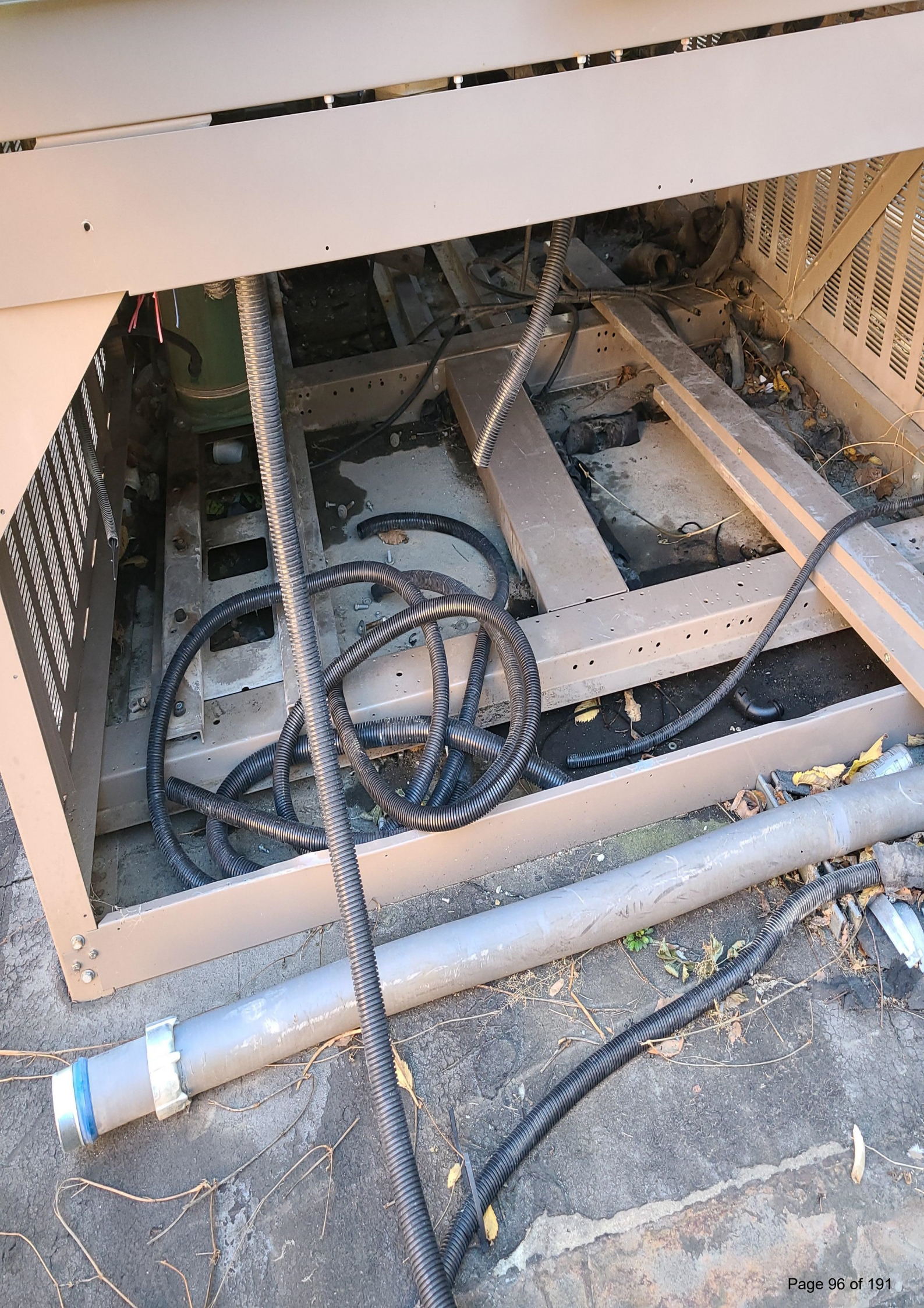
The cost of removal if the owner fails to commence repair or removal.

SUPPORTING DOCUMENTS

1. Picture 1
2. Picture 2
3. Picture 3
4. Picture 4
5. Picture 5
6. Picture 6
7. Picture 7
8. Picture 8
9. Picture 9
10. Parcel Listing 12052023




LINEA LIGNE
CAUTION PRECAUTION ATTENTION



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The Parcel Number for this Property is 063-099-31-0-20-07-001.00-0
Quick Ref ID: 6965

Owner Information

Owner Name	R.E.M., LLC
Address	2944 S DELAWARE AVE TULSA, OK 74114

Property Situs Address

Address	200 ARCO PLACE, Independence, KS 67301

Land Based Classification System

Function	General office buildings (5+ stories)
Activity	Office activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Other - O
Living Units	
Zoning	
Neighborhood	208.C
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1
Fronting	Secondary Artery - 2
Location	Central Business District - 1
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Other - O	36,500	178,510	215,010
Total	36,500	178,510	215,010

2022 Appraised Value

Class	Land	Building	Total
Other - O	35,000	165,000	200,000
Total	35,000	165,000	200,000

Tract Description

ORIG PLAT, S31, T32, R16, BLOCK 33, ACRES 1.52, LTS 1-7; S 29' LT 8; BG NW COR LT1 S 120' W 10' N 120' E TO POB; BG SW COR LT 5 W 20' N 125' E 20'S TO POB VAC ALLEY; LOT WIDTH: 300.0 LOT DEPTH: 300.0 Plat Book/Page 1 /6&7 Deed Book/Page 725 /1036 623 /1226 586 /335 556 /676 496 /478 432 /118 432 /117 425 /182 387 /261 244 /354

Building Permit Information

Permit Number	Amount	Issue Date	Description
20210008	125,000	2/22/2021	
01052021	15,000	12/17/2020	
20170027	20,000	6/7/2017	
20160057	70,000	6/14/2016	
20160035	50,000	5/11/2016	
20110018	5,000	3/30/2011	
67301	588,392	5/6/1998	

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
725	1036	623	1226	586	335		

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Acre	Primary Site - 1	1.5										36,500

General Commercial Building Information

General Building Information	
LBCS Structure Code	Office building (high rise 5+ stories)
Bldg No.	1
Building Name	VACANT
Identical units	1
No. of Units	
Unit Type	
MS Mult	
MS Zip	

Apartment Data

	1	2	3	4	5	6	7	8
Units								
BR Type								
Baths								

Commercial Building Sections & Basements

Sec	Occupancy	MSCls	Rank	Yr Blt	Eff Yr	Levels	Stories	Area	Perim	Hgt	Phys	Func	Econ	OVR%	Rsn	Inc Use	Net Area	Cls	RCN	%Gd	Value
1	Office Building	C	1.00	1916		01/05	5	27,443	1,028	10	1.5	2				053			14,875,960	6	892,560
705	Office Building	B	3.00			1		13,721	1,027	8						082					
703	Office Building	B				1		13,722	1,027	8						082					

Commercial Building Section Components

Sec	Code	Units	Pct	Size	Other	Rank	Year
1	No HVAC						
1	Passenger #	4			6	1.00	
1	Brick with Block Back-up		50				
1	Curtain-Metal with Glass Panels		50				
1	Canopy, Retail Wood Frame	1272					

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REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Consider setting the date of February 22, 2024, for a Public Hearing to consider the condemnation of 919 E. Birch St. as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends setting a Public Hearing date.

BACKGROUND The City of Independence Code Enforcement and Building Department has received numerous complaints about 919 E. Birch and the structure's condition. The structure last had City utilities in 2019, it has multiple holes in the roof, debris, and poor condition of the garage structure. The City Staff recommends setting the date of February 22, 2024, for a Public Hearing to consider the condemnation of the structure as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to adopt a resolution setting the date of February 22, 2024, at 5:30 PM for a Public Hearing to consider the condemnation of 919 E. Birch as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-064 - CONDEMNATION - PH - 919 E Birch
2. Parcel Information
3. Setting P-H Date - 919 E. Birch 11142023
4. Photo 1
5. Photo 2
6. Photo 3
7. Photo 4
8. Photo 5
9. 20231114_144155
10. OE008673_OE_Report

RESOLUTION NO. 2023-064

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, OF WHICH OWNERS, OWNERS AGENTS, LIEN HOLDERS OF RECORD AND ANY OCCUPANTS, IF ANY, OF THE STRUCTURE OR STRUCTURES IDENTIFIED BELOW, IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SAID STRUCTURE OR STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED PURSUANT TO K.S.A. 12-1751 ET. SEQ.

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 14th day of December 2023, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

Legal: Lots 42 and 43, of the Aganippe Park Addition to the City of Independence, Montgomery County, Kansas.

Common Address: 919 E Birch Street.

Mortgage:

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

That a public hearing will be held on Thursday**, February 22, 2024** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N 6th Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

Be it further resolved that the City Clerk shall cause this Resolution to be published one time each week for two consecutive weeks on the same day of each week, that at least thirty (30) days shall elapse between the last publication and the date set for hearing and the City Clerk shall give notice of the aforesaid hearing in the manner provided by Ordinance and by law.

Be it further resolved by the Governing Body of the City of Independence that its authority for the actions set forth herein is established pursuant to K.S.A. 12-1751 ET. SEQ.

Adopted this 14th day of December 2023.

(SEAL)

_____
Mayor

_____
City Clerk

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The Parcel Number for this Property is 063-099-31-0-40-01-009.00-0
Quick Ref ID: 7533

Owner Information

Owner Name	NELSON, CHRISTOPHER CHARLES
Address	200 S PARK BLVD INDEPENDENCE, KS 67301

Property Situs Address

Address	919 E BIRCH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	5,430	6,850	12,280
Total	5,430	6,850	12,280

Tract Description

AGANIPPE PARK ADD, S31, T32, R16, Lot 42 & 43; Lot Width: 100.0 Lot Depth: 126.2 Plat Book/Page 4 /80 Lot Width: 100.0 Lot Depth: 126.2 Deed Book/Page 463 /225 424 /260 409 /467 374 /063 336 /576

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
463	225						

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	12600										5,430

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	FR-
Year Built	1900
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	968
Main Floor Living Area	968
Upper Floor Living Area Pct.	
CDU	PR-
Phys/Func/Econ	PR-/ /
Ovr Pct Gd/RCN	/97,050
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	5
Bedrooms	2
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Stone - 4

Dwelling Components

Code	Units	Pct	Quality	Year
Enclosed Wood Deck (SF), Solid Wall	126			
Wood Deck (SF) with Roof	144		1	
Frame, Plywood or Hardboard		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

Building Improvements

Id	Occupancy	MSCls	Rank	Qty	Yr Blt	Eff Yr	LBCS	Area	Perim	Hgt	Dimensions	Stories	Phys	Func	Econ	OVR%	Rsn	Cls	RCN	%Gd	Value
40	Tool Shed	D	0.60	1	1940			294	70	8	21 X 14	1	1	1					2,840	2	60

Building Improvement Components

Id	Code	Units	Pct	Size	Other	Rank	Year
40	Single -Wall-Boards on Wood		100				

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CITY OF INDEPENDENCE KANSAS

"Delivering Excellence"

November 14, 2023

Christopher Nelson
200 S. Park Blvd
Independence, Ks. 67301

Dear Mr. Nelson,

I am writing to inform you that the Building Department will be requesting the City Commission set a Public Hearing to consider the ***condemnation of 919 E. Birch as dangerous and unsafe*** at the December 14, 2023, meeting.

The City of Independence Code Enforcement and Building Department have received numerous complaints regarding this property. The following action must be taken to avoid having your residential property condemned as dangerous and unsafe.

1. Immediate Repairs need to start
    a. Secure the structure
    b. Clean up the yard, remove all debris, brush, limbs and material from the front and back yard

2. A timeline of the repairs must be submitted to the Building Inspector
    a. Timeline must include dates and detail of repairs working towards occupancy

3. If you do not plan to repair this residential property
    a. The City of Independence will proceed with condemnation of the property at the Public Hearing on February 22, 2024, City Commission Meeting
    b. The owner can remove the structure and clear the lot before condemnation. The owner must obtain a demolition permit before the structure is removed. Please inform the Building Inspector of your intention, demo company and the removal date.
    c. The city will condemn the property, hire a contractor to remove the structure at the owner's expense.

4. If I do not hear from you by December 14, 2023, it will be imperative that you communicate or attend the February 22, 2024, Commission meeting to avoid the condemnation of the property.

STRATEGIC VISION: *Customer Service Excellence – Continuous Improvement – Teamwork*
David J. Cowan, Assistant City Manager-Director of Safety
P +1.620.332.2528 | **M** +1.620.330.0056 | **F** + 1.620.331.1628 |davidc@independenceks.gov
City of Independence | 811 W. Laurel Street | Independence, Kansas 67301

CITY OF
INDEPENDENCE
KANSAS

"Delivering Excellence"

The City of Independence is committed to achieving its goal of cleaning up our neighborhoods and eliminating risk neighborhoods. Please be aware that should future code violations occur, the code enforcement officer can issue citations and summons to court for blight r/t tall grass, trash etc.

If you have questions about this letter, please call the Building Department or Code Enforcement office 620.332.2541 or 620.332.2528. Email correspondence to davidc@independenceks.gov

Sincerely,

David Cowan
Building Inspector

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City of Independence | 811 W. Laurel Street | Independence, Kansas 67301










919



Security 1st Title

Date: November 17, 2023
Property Address: 919 E BIRCH ST, INDEPENDENCE, KS 67301

File No.: OE008673
Title Contact: Mary Jo Wallis
Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:

City of Independence, Kansas

Effective Date of this Report: November 08, 2023, at 7:00 A.M.

On Real Estate described as:

Lots 42 and 43, Aganippe Park Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

   Christopher Charles Nelson

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

   1. General taxes and special assessments for the fiscal year 2023 in the original amount of $241.46.

      First Installment: $120.73, PAYABLE
      Second Installment: $120.73, PAYABLE
      Property I.D. # 063-099-31-0-40-01-009-00-0-01
      PIN # IC 4098

   2. This report does not include any defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the inaccessibility of the District Court of MONTGOMERY County, Kansas including, but not limited to, (i) an inability to search the Public Records, or (ii) any delay in recordation or filing of documents affecting title to the Land in the Public Records.

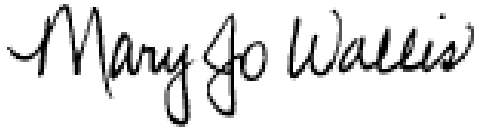
This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and

omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



Licensed Abstracter

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** David Cowan

AGENDA ITEM Consider setting the date of February 22, 2024, for a Public Hearing to consider the condemnation of 1005 E. Birch as dangerous and unsafe.

SUMMARY RECOMMENDATION City Staff recommends setting the date.

BACKGROUND The City of Independence Code Enforcement and Building Department has received numerous complaints regarding this structure. The structure has been unoccupied since 2017 when it last had utilities. However, the residence is often occupied by homeless people who create a nuisance by starting fires in the backyard and bringing in trash and debris. The City Staff recommends setting the date of February 22, 2024, for a Public Hearing to consider condemnation as dangerous and unsafe.

FINANCIAL INFORMATION The cost of removal if the owner fails to commence repair or removal of the structure.

SUGGESTED MOTION I move to adopt a resolution setting the date of February 22, 2024, at 5:30 PM for a Public Hearing to consider the condemnation of 1005 E. Birch as dangerous and unsafe.

SUPPORTING DOCUMENTS

1. RESOLUTION 2023-065 - CONDEMNATION - PH - 1005 E Birch
2. 1005 E. Birch Parcel
3. Setting P-H Notice - 1005 E. Birch 11142023
4. OE008672_OE_Report
5. Photo 1
6. Photo 2
7. Photo 3
8. Photo 4
9. Photo 5
10. Photo 6
11. Photo 7
12. Photo 8
13. Photo 9
14. Photo 10
15. Photo 11
16. Photo 12
17. Photo 13
18. Photo 14
19. Photo 15
20. Photo 16

21. Photo 17
22. Photo 18
23. Photo 19

RESOLUTION NO. 2023-065

A RESOLUTION FIXING A TIME AND PLACE AND PROVIDING FOR NOTICE OF HEARING BEFORE THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS, OF WHICH OWNERS, OWNERS AGENTS, LIEN HOLDERS OF RECORD AND ANY OCCUPANTS, IF ANY, OF THE STRUCTURE OR STRUCTURES IDENTIFIED BELOW, IN SAID CITY MAY APPEAR AND SHOW CAUSE WHY SAID STRUCTURE OR STRUCTURES SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED PURSUANT TO K.S.A. 12-1751 ET. SEQ.

WHEREAS, the enforcing officer of the City of Independence, Kansas, did on the 14th day of December 2023, file with the Governing body of said City, statements, and reports in writing that the structure or structures located on said properties hereinafter described are unsafe and/or dangerous:

Legal: Lots 45, of the Aganippe Park Addition to the City of Independence, Montgomery County, Kansas.

Common Address: 1005 E Birch Street.

Mortgage:

NOW, THEREFORE, be it resolved by the Governing Body of the City of Independence, Kansas:

That a public hearing will be held on Thursday**, February 22, 2024** before the Governing Body of the City of Independence, Kansas, at **5:30 p.m.**, in City Hall, 120 N. 6th Street, Independence, Kansas, at which time the owner, the owners agent, any lien holders of record and any occupant of the structure or structures located on the properties described herein, may appear and show cause why such structure or structures should not be condemned as unsafe and/or dangerous and ordered repaired or removed.

Be it further resolved that the City Clerk shall cause this Resolution to be published one time each week for two consecutive weeks on the same day of each week, that at least thirty (30) days shall elapse between the last publication and the date set for hearing and the City Clerk shall give notice of the aforesaid hearing in the manner provided by Ordinance and by law.

Be it further resolved by the Governing Body of the City of Independence that its authority for the actions set forth herein is established pursuant to K.S.A. 12-1751 ET. SEQ.

Adopted this 14th day of December 2023.

(SEAL)

_____
Mayor

_____
City Clerk

Print Page

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The Parcel Number for this Property is 063-099-31-0-40-01-006.00-0
Quick Ref ID: 7531

Owner Information

Owner Name	BLEVINS, ROGER D
Address	1005 E BIRCH ST INDEPENDENCE, KS 67301

Property Situs Address

Address	1005 E BIRCH ST, Independence, KS 67301

Land Based Classification System

Function	Single family residence (detached)
Activity	Household activities
Ownership	Private-fee simple
Site	Developed site - with buildings

General Property Information

Prop Class	Residential - R
Living Units	1
Zoning	
Neighborhood	108.F
Tax Unit Group	108

Property Factors

Topography	Level - 1
Utilities	All Public - 1
Access	Paved Road - 1 Alley - 7
Fronting	Residential Street - 4
Location	Neighborhood or Spot - 6
Parking Type	On and Off Street - 3
Parking Quantity	Adequate - 2
Parking Proximity	On Site - 3
Parking Covered	
Parking Uncovered	

2023 Appraised Value

Class	Land	Building	Total
Residential - R	4,240	10,580	14,820
Total	4,240	10,580	14,820

Tract Description

AGANIPPE PARK ADD, S31, T32, R16, Lot 45, Lot Width: 050.0 Lot Depth: 126.2 Plat Book/Page 4 /80 Deed Book/Page 709 /376 696 /144 694 /1265 557 /053 554 /058 478 /556 477 /208 407 /003 362 /474

Building Permit Information

Permit Number	Amount	Issue Date	Description
2007004677	5,618	6/13/2007	Dwelling Addition

Deed Information

Book1	Page1	Book2	Page2	Book3	Page3	Book4	Page4
709	376	696	144	694	1265	694	1264

Market Land Information

Method	Type	AC/SF	Eff FF	Depth	D-Fact	Inf1	Fact1	Inf2	Fact2	Ovrd	Class	Value Est
Sqft	Primary Site - 1	6300										4,240

Dwelling Information

Dwelling Information	
Res Type	Single-family Residence
Quality	LO+
Year Built	1905
Eff Year	
MS Style	One Story
LBCSStruct	Detached SFR unit
No. of Units	
Total Living Area	
Calculated Area	936
Main Floor Living Area	936
Upper Floor Living Area Pct.	
CDU	PR
Phys/Func/Econ	VP/ /
Ovr Pct Gd/RCN	/88,170
Remodel	
Percent Complete	
Assessment Class	
MU Cls/Pct	

Comp Sales Information	
Arch Style	Bungalow
Bsmt Type	Crawl - 2
Total Rooms	4
Bedrooms	2
Family Rooms	
Full Baths	1
Half Baths	
Garage Cap	
Foundation	Brick - 5

Dwelling Components

Code	Units	Pct	Quality	Year
Wood Deck (SF) with Roof	160			
Frame, Siding/Shingle		100		
Composition Shingle		100		
Raised Subfloor (% or SF)		100		
Plumbing Fixtures (#)	5			
Plumbing Rough-ins (#)	1			
Automatic Floor Cover Allowance				

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"Delivering Excellence"

November 14, 2023

Roger Blevins
708 S. 5th Apt 104
Independence, Ks. 67301

Dear Mr. Blevins,

I am writing to inform you that the Building Department will be requesting the City Commission set a Public Hearing to consider the ***condemnation of 1005 E. Birch as dangerous and unsafe*** at the December 14, 2023, meeting.

The City of Independence Code Enforcement and Building Department have received numerous complaints regarding this property. The following action must be taken to avoid having your residential property condemned as dangerous and unsafe.

1. Immediate Repairs need to start
    a. Secure the structure
    b. Clean up the yard, remove all debris, brush, limbs and material from the front and back yard

2. A timeline of the repairs must be submitted to the Building Inspector
    a. Timeline must include dates and detail of repairs working towards occupancy

3. If you do not plan to repair this residential property
    a. The City of Independence will proceed with condemnation of the property at the Public Hearing on February 22, 2024, City Commission Meeting
    b. The owner can remove the structure and clear the lot before condemnation. The owner must obtain a demolition permit before the structure is removed. Please inform the Building Inspector of your intention, demo company and the removal date.
    c. The city will condemn the property, hire a contractor to remove the structure at the owner's expense.

4. If I do not hear from you by December 14, 2023, it will be imperative that you communicate or attend the February 22, 2024, Commission meeting to avoid the condemnation of the property.

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City of Independence | 811 W. Laurel Street | Independence, Kansas 67301



"Delivering Excellence"

The City of Independence is committed to achieving its goal of cleaning up our neighborhoods and eliminating risk neighborhoods. Please be aware that should future code violations occur, the code enforcement officer can issue citations and summons to court for blight r/t tall grass, trash etc.

If you have questions about this letter, please call the Building Department or Code Enforcement office 620.332.2541 or 620.332.2528. Email correspondence to davidc@independenceks.gov

Sincerely,

David Cowan
Building Inspector

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City of Independence | 811 W. Laurel Street | Independence, Kansas 67301

Security 1st Title

Date: November 17, 2023
Property Address: 1005 E BIRCH ST, INDEPENDENCE, KS 67301

File No.: OE008672
Title Contact: Mary Jo Wallis
Contact E-mail: mwallis@security1st.com

OWNERS AND ENCUMBRANCES REPORT

For the exclusive use of:
City of Independence

Effective Date of this Report: November 08, 2023, at 7:00 A.M.

On Real Estate described as:

Lot 45, Aganippe Park Addition to the City of Independence, Montgomery County, Kansas

The Public Records located in Montgomery County indicate that:

A. The Grantees on the last deed of record are:

   Roger D. Blevins

B. The Real Estate is encumbered by the following Mortgages/Deeds of Trust, Liens, Suits, Judgments, and Taxes:

   1. General taxes and special assessments for the year 2016 in the amount of $206.54, DELINQUENT.
   2. General taxes and special assessments for the year 2017 in the amount of $287.86, DELINQUENT.
   3. General taxes and special assessments for the year 2018 in the amount of $167.56, DELINQUENT.
   4. General taxes and special assessments for the year 2019 in the amount of $158.22, DELINQUENT.
   5. General taxes and special assessments for the year 2020 in the amount of $110.66, DELINQUENT.
   6. General taxes and special assessments for the year 2021 in the amount of $111.00, DELINQUENT.
   7. General taxes and special assessments for the year 2022 in the amount of $122.72, DELINQUENT.

8. General taxes and special assessments for the fiscal year 2023 in the original amount of $291.58.

   First Installment: $145.79, PAYABLE
   Second Installment: $145.79, PAYABLE
   Property I.D. # 063-099-31-0-40-01-06-00-0-01
   PIN # IC 4101

9. The Quit Claim Deed filed as Book 709, page 376, dated November 4, 2021 from Ronda J. Byrd to Roger D. Blevins, does not show marital status of Ronda J. Byrd

10. The Quit Claim Deed filed as Book 696, page 144, dated October 30, 2020 from James Arthur O'Shields to Ronda J. Byrd does not show marital status of James Arthur O'Shields.

11. The Quit Claim Deed filed as Book 694, page 1265, dated September 25, 2020 from James O'Shields to Ronda J. Byrd, does not show the marital status of James O'Shields

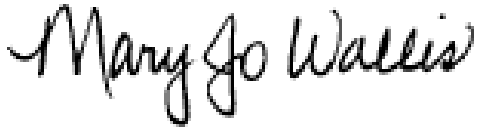
12. This report does not include any defect, lien, encumbrance, adverse claim, or other matter created by or arising out of the inaccessibility of the District Court of MONTGOMERY County, Kansas including, but not limited to, (i) an inability to search the Public Records, or (ii) any delay in recordation or filing of documents affecting title to the Land in the Public Records.

This Report is limited to only the information described above.

This Report is not nor is to be construed as, an Abstract of Title, Title Opinion, or Title Insurance Policy.

The total liability of this Company by reason of losses and damages that may occur by reason of any errors and omissions in this Company's report is limited to the fee it received for the preparation and issuance of this report.

Security 1st Title



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NO
TRESPASSING




ELVINS
NO
TRESPASSING




















Welcome
Home













REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Finance **Director Approval Lacey Lies**

AGENDA ITEM Consider Adopting Resolution No. 2023-066 for the Sale of Series 2024 Temporary Notes.

SUMMARY RECOMMENDATION Approve Resolution Number 2023-066, authorizing the sale of temporary notes.

BACKGROUND This resolution is to authorize the offering for sale of the temporary notes.

This Sale Resolution authorizes the City to pursue a sale of General Obligation Bonds for Quality of Life projects authorized in the City's Capital Improvement Plan, specifically the Central Park Sports Complex.

Bond Principal & Interest would generally be paid from the renewed 1% Special Use Sales Tax. 31% was specifically allocated toward debt repayment, 27% for street projects, and 12% for buildings and facilities; additionally, 25% for General Fund support, and 5% for Economic Development.

FINANCIAL INFORMATION This resolution authorizes the sale of temporary notes for the Quality of Life Project, the Central Park Sports Complex, in the amount of $4,500,000.

SUGGESTED MOTION I move to adopt Resolution No. 2023-066, authorizing the sale of General Obligation Temporary Notes or Bonds, and authorize the City Manager to award sale of temporary notes pursuant to stated economic parameters.

SUPPORTING DOCUMENTS

1. Resolution 2023-066 Offering for Sale of GO Temp Notes
2. SALEDOCS

Gilmore & Bell, P.C.
12/06/2023

RESOLUTION NO. 2023-066

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2024-1, OF THE CITY OF INDEPENDENCE, KANSAS.

WHEREAS, the City of Independence, Kansas (the "Issuer"), has previously authorized certain improvements described as follows (the "Improvements"):

Project Description	Res. No.	Authority (K.S.A.)	Amount
Quality of Life Improvements – Central Park Sports Complex	2022-006/ 2022-13	14-570 *et seq.*/ Charter No. 11	$4,500,000

WHEREAS, the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

WHEREAS, none of such general obligation bonds or temporary notes previously authorized have been issued and the Issuer proposes to issue its temporary notes to pay the costs of the Improvements; and

WHEREAS, the City Commission of the Issuer (the "Governing Body") has selected the firm of Piper Sandler & Co., Leawood, Kansas (the "Municipal Advisor"), as municipal advisor for one or more series of temporary notes of the Issuer in order to provide funds to temporarily finance the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of the temporary notes and related activities, and one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to the temporary notes; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer's bond counsel ("Bond Counsel"), in conjunction with the Director of Finance, to proceed with the preparation and distribution of a preliminary official statement and notice of note sale and to authorize the distribution thereof and all other preliminary action necessary to sell the temporary notes; and

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of the temporary notes, the Governing Body desires to authorize the City Manager to award the sale of the temporary notes, if necessary, prior to the next meeting of the Governing Body to adopt the necessary resolution providing for the issuance thereof.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDEPENDENCE, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer at competitive public sale the Issuer's General Obligation Temporary Notes, Series 2024-1 (the "Notes") as described in the Notice of Note Sale, which is hereby approved in substantially the form presented to the Governing Body this date (the "Notice of Note Sale"). All proposals for the purchase of the Notes shall be submitted upon the terms and conditions set forth in the Notice of Note Sale, and shall be reviewed by the Mayor, City Manager, Director of Finance, the Municipal Advisor and Bond Counsel as soon after the submittal hour as possible. The City Manager is hereby authorized to award the sale of the Notes to the submitter of the best proposal as determined pursuant to the provisions of the Notice of Note Sale or to reject all proposals; provided, however, that the principal amount of the Notes shall not exceed $4,750,000 and the true interest cost of the Notes shall not exceed 6.50%. All proposals for the purchase of the Notes shall be delivered to the Governing Body at its meeting to be held on the date referenced in the Notice of Note Sale, at which meeting the Governing Body shall review such proposals and ratify the award of the sale of the Notes or the rejection of all proposals.

Section 2. The Mayor, Director of Finance and Clerk, in conjunction with the Municipal Advisor and Bond Counsel, are hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Notes (the "Preliminary Official Statement"), and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Notes.

Section 3. The Clerk, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of the note sale by distributing copies of the Notice of Note Sale and Preliminary Official Statement to prospective purchasers of the Notes. Proposals for the purchase of the Notes shall be submitted upon the terms and conditions set forth in the Notice of Note Sale, and awarded or rejected in the manner set forth in the Notice of Note Sale.

Section 4. For the purpose of enabling the purchaser of the Notes (the "Purchaser") to comply with the requirements of Rule 15c2-12 of the Securities Exchange Commission (the "Rule"), the Mayor and Director of Finance are hereby authorized: (a) to approve the form of the Preliminary Official Statement and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as ***Exhibit A*** as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, City Manager, Director of Finance, Clerk, and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes.

The transactions described in this Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies,

telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 7. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the City Commission on December 14, 2023.

(SEAL)

_____
Mayor

ATTEST:

_____
Clerk

Gilmore & Bell, P.C.
12/06/2023

**EXCERPT OF MINUTES OF A MEETING
OF THE CITY COMMISSION OF
THE CITY OF INDEPENDENCE, KANSAS
HELD ON DECEMBER 14, 2023**

The City Commission (the "Governing Body") met in regular session at the usual meeting place in the City at 5:30 P.M., the following members being present and participating, to-wit:

Absent:

The Mayor declared that a quorum was present and called the meeting to order.

* * * * * * * * * * * * * *

(Other Proceedings)

The matter of providing for the offering for sale of General Obligation Temporary Notes, Series 2024-1, came on for consideration and was discussed.

Commissioner _____ presented and moved the adoption of a Resolution entitled:

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2024-1, OF THE CITY OF INDEPENDENCE, KANSAS.

Commissioner _____ seconded the motion to adopt the Resolution. The Resolution was duly read and considered, and upon being put, the motion for the adoption of the Resolution was carried by the following vote of the Governing Body:

Aye: _____.

Nay: _____.

The Mayor declared the Resolution duly adopted by the Governing Body and the Clerk designated the same Resolution No. 2023-[___].

* * * * * * * * * * * * * *

(Other Proceedings)

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CERTIFICATE

I hereby certify that the foregoing Excerpt of Minutes is a true and correct excerpt of the proceedings of the Governing Body of the City of Independence, Kansas, held on the date stated therein, and that the official minutes of such proceedings are on file in my office.

(SEAL)

_____
Clerk

RESOLUTION NO. 2023-[___]

A RESOLUTION AUTHORIZING THE OFFERING FOR SALE OF GENERAL OBLIGATION TEMPORARY NOTES, SERIES 2024-1, OF THE CITY OF INDEPENDENCE, KANSAS.

WHEREAS, the City of Independence, Kansas (the "Issuer"), has previously authorized certain improvements described as follows (the "Improvements"):

Project Description	Res. No.	Authority (K.S.A.)	Amount
Quality of Life Improvements – Central Park Sports Complex	2022-006/ 2022-13	14-570 *et seq*./ Charter No. 11	$4,500,000

WHEREAS, the Issuer is authorized by law to issue general obligation bonds to pay the costs of the Improvements; and

WHEREAS, it is necessary for the Issuer to provide cash funds (from time to time) to meet its obligations incurred in constructing the Improvements prior to the completion thereof and the issuance of the Issuer's general obligation bonds, and it is desirable and in the interest of the Issuer that such funds be raised by the issuance of temporary notes of the Issuer; and

WHEREAS, none of such general obligation bonds or temporary notes previously authorized have been issued and the Issuer proposes to issue its temporary notes to pay the costs of the Improvements; and

WHEREAS, the City Commission of the Issuer (the "Governing Body") has selected the firm of Piper Sandler & Co., Leawood, Kansas (the "Municipal Advisor"), as municipal advisor for one or more series of temporary notes of the Issuer in order to provide funds to temporarily finance the Improvements; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor to proceed with the offering for sale of the temporary notes and related activities, and one of the duties and responsibilities of the Issuer is to prepare and distribute a preliminary official statement relating to the temporary notes; and

WHEREAS, the Issuer desires to authorize the Municipal Advisor and Gilmore & Bell, P.C., Wichita, Kansas, the Issuer's bond counsel ("Bond Counsel"), in conjunction with the Director of Finance, to proceed with the preparation and distribution of a preliminary official statement and notice of note sale and to authorize the distribution thereof and all other preliminary action necessary to sell the temporary notes; and

WHEREAS, due to the volatile nature of the municipal bond market and the desire of the Issuer to achieve maximum benefit of timing of the sale of the temporary notes, the Governing Body desires to authorize the City Manager to award the sale of the temporary notes, if necessary, prior to the next meeting of the Governing Body to adopt the necessary resolution providing for the issuance thereof.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF INDEPENDENCE, KANSAS, AS FOLLOWS:

Section 1. The Issuer is hereby authorized to offer at competitive public sale the Issuer's General Obligation Temporary Notes, Series 2024-1 (the "Notes") as described in the Notice of Note Sale, which is hereby approved in substantially the form presented to the Governing Body this date (the "Notice of Note Sale"). All proposals for the purchase of the Notes shall be submitted upon the terms and conditions set forth in the Notice of Note Sale, and shall be reviewed by the Mayor, City Manager, Director of Finance, the Municipal Advisor and Bond Counsel as soon after the submittal hour as possible. The City Manager is hereby authorized to award the sale of the Notes to the submitter of the best proposal as determined pursuant to the provisions of the Notice of Note Sale or to reject all proposals; provided, however, that the principal amount of the Notes shall not exceed $4,750,000 and the true interest cost of the Notes shall not exceed 6.50%. All proposals for the purchase of the Notes shall be delivered to the Governing Body at its meeting to be held on the date referenced in the Notice of Note Sale, at which meeting the Governing Body shall review such proposals and ratify the award of the sale of the Notes or the rejection of all proposals.

Section 2. The Mayor, Director of Finance and Clerk, in conjunction with the Municipal Advisor and Bond Counsel, are hereby authorized to cause to be prepared a Preliminary Official Statement relating to the Notes (the "Preliminary Official Statement"), and such officials and other representatives of the Issuer are hereby authorized to use such document in connection with the sale of the Notes.

Section 3. The Clerk, in conjunction with the Municipal Advisor and Bond Counsel, is hereby authorized and directed to give notice of the note sale by distributing copies of the Notice of Note Sale and Preliminary Official Statement to prospective purchasers of the Notes. Proposals for the purchase of the Notes shall be submitted upon the terms and conditions set forth in the Notice of Note Sale, and awarded or rejected in the manner set forth in the Notice of Note Sale.

Section 4. For the purpose of enabling the purchaser of the Notes (the "Purchaser") to comply with the requirements of Rule 15c2-12 of the Securities Exchange Commission (the "Rule"), the Mayor and Director of Finance are hereby authorized: (a) to approve the form of the Preliminary Official Statement and to execute the "Certificate Deeming Preliminary Official Statement Final" in substantially the form attached hereto as ***Exhibit A*** as approval of the Preliminary Official Statement, such official's signature thereon being conclusive evidence of such official's and the Issuer's approval thereof; (b) covenant to provide continuous secondary market disclosure by annually transmitting certain financial information and operating data and other information necessary to comply with the Rule to the Municipal Securities Rulemaking Board; and (c) take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Purchaser to comply with the requirement of the Rule.

Section 5. The Issuer agrees to provide to the Purchaser within seven business days of the date of the sale of Notes or within sufficient time to accompany any confirmation that requests payment from any customer of the Purchaser, whichever is earlier, sufficient copies of the final Official Statement to enable the Purchaser to comply with the requirements of the Rule and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Section 6. The Mayor, City Manager, Director of Finance, Clerk, and the other officers and representatives of the Issuer, the Municipal Advisor and Bond Counsel are hereby authorized and directed to take such other action as may be necessary to carry out the sale of the Notes.

The transactions described in this Resolution may be conducted, and documents related to the Notes may be sent, received, executed, and stored, by electronic means or transmissions. Copies,

telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Section 7. This Resolution shall be in full force and effect from and after its adoption.

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ADOPTED by the City Commission on December 14, 2023.

(SEAL)

_____
Mayor

ATTEST:

_____
Clerk

EXHIBIT A

CERTIFICATE DEEMING
PRELIMINARY OFFICIAL STATEMENT FINAL

_____, 2023

Re: City of Independence, Kansas, General Obligation Temporary Notes, Series 2024-1

The undersigned are the duly acting Mayor and Director of Finance of the City of Independence, Kansas (the "Issuer"), and are authorized to deliver this Certificate to the purchaser (the "Purchaser") of the above-referenced notes (the "Notes") on behalf of the Issuer. The Issuer has previously caused to be delivered to the Purchaser copies of the Preliminary Official Statement (the "Preliminary Official Statement") relating to the Notes.

For the purpose of enabling the Purchaser to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission (the "Rule"), the Issuer hereby deems the information regarding the Issuer contained in the Preliminary Official Statement to be final as of its date, except for the omission of such information as is permitted by the Rule, such as offering prices, interest rates, selling compensation, aggregate principal amount, principal per maturity, delivery dates, ratings, identity of the underwriters and other terms of the Notes depending on such matters.

CITY OF INDEPENDENCE, KANSAS

By: _____
Title: Mayor

By: _____
Title: Director of Finance

Gilmore & Bell, P.C.
12/06/2023

NOTICE OF NOTE SALE

$4,565,000*

CITY OF INDEPENDENCE, KANSAS

GENERAL OBLIGATION TEMPORARY NOTES
SERIES 2024-1

(GENERAL OBLIGATION NOTES PAYABLE FROM UNLIMITED AD VALOREM TAXES)

Bids. Facsimile and electronic (as explained below) bids for the purchase of the above-referenced temporary notes (the "Notes") of the City of Independence, Kansas (the "Issuer") herein described will be received on behalf of the undersigned Director of Finance of the Issuer at the address hereinafter set forth in the case of facsimile bids, and via PARITY® in the case of electronic bids, until 10:00 A.M. applicable Central Time (the "Submittal Hour"), on

JANUARY 9, 2024

(the "Sale Date"). All bids will be publicly evaluated at said time and place and the award of the Notes to the successful bidder (the "Successful Bidder") will be acted upon immediately thereafter by the City Manager and subsequently ratified by the City Commission (the "Governing Body") of the City at its meeting to be held on January 11, 2024. No oral or auction bids will be considered. Capitalized terms not otherwise defined herein shall have the meanings set forth in the hereinafter referenced Preliminary Official Statement relating to the Notes.

Terms of the Notes. The Notes will consist of fully registered notes in the denomination of $5,000 or any integral multiple thereof (the "Authorized Denomination"). The Notes will be dated February 1, 2024 (the "Dated Date"), and will become due as follows:

Stated Maturity (October 1)	**Principal Amount**
2027	$4,565,000*

The Notes will bear interest from the Dated Date at rates to be determined when the Notes are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on October 1, 2024 (the "Interest Payment Dates").

* **Adjustment of Issue Size**. The Issuer reserves the right to increase or decrease the total principal amount of the Notes or the schedule of principal payments described above, depending on the purchase price and interest rates bid and the offering prices specified by the Successful Bidder. The Successful Bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the Notes or the schedule of principal payments as described herein. If there is an increase or decrease in the final aggregate principal amount of the Notes or the schedule of principal payments as described above, the Issuer will notify the Successful Bidder by means of telephone or facsimile transmission, subsequently confirmed in writing, no later than 2:00 p.m., applicable Central Time, on the Sale Date. The actual purchase price for the Notes shall be calculated by applying the

percentage of par value bid by the Successful Bidder against the final aggregate principal amount of the Notes, as adjusted, plus accrued interest from the Dated Date to the Closing Date (as hereinafter defined).

Place of Payment. The principal of and interest on the Notes will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Note Registrar"). The principal of each Note will be payable at maturity or earlier redemption to the owners thereof whose names are on the registration books (the "Note Register") of the Note Registrar (the "Registered Owner") upon presentation and surrender at the principal office of the Paying Agent. Interest on each Note will be payable to the Registered Owner of such Note as of the fifteenth day (whether or not a Business Day) of the calendar month next preceding such Interest Payment Date (the "Record Date"): (a) mailed by the Paying Agent to the address of such Registered Owner as shown on the Note Register or at such other address as is furnished to the Paying Agent in writing by such Registered Owner; or (b) in the case of an interest payment to Cede & Co. or any Registered Owner of $500,000 or more in aggregate principal amount of Notes, by wire transfer to such Registered Owner upon written notice given to the Paying Agent by such Registered Owner, not less than 15 days prior to the Record Date for such interest, containing the wire transfer address to which such Registered Owner wishes to have such wire directed.

Note Registration. The Notes will be registered pursuant to a plan of registration approved by the Issuer and the Attorney General of the State of Kansas (the "State"). The Issuer will pay for the fees of the Note Registrar for registration and transfer of the Notes and will also pay for printing a reasonable supply of registered note blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the Note Registrar, will be the responsibility of the Registered Owners.

Book-Entry-Only System. The Notes shall be initially registered in the name of Cede & Co., as the nominee of DTC and no beneficial owner will receive certificates representing their interests in the Notes. During the term of the Notes, so long as the book-entry-only system is continued, the Issuer will make payments of principal of, premium, if any, and interest on the Notes to DTC or its nominee as the Registered Owner of the Notes. DTC will make book-entry-only transfers among its participants and receive and transmit payment of principal of, premium, if any, and interest on the Notes to its participants who shall be responsible for transmitting payments to beneficial owners of the Notes in accordance with agreements between such participants and the beneficial owners. The Issuer will not be responsible for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants. In the event that: (a) DTC determines not to continue to act as securities depository for the Notes, or (b) the Issuer determines that continuation of the book-entry-only form of evidence and transfer of ownership of the Notes would adversely affect the interests of the beneficial owners of the Notes, the Issuer will discontinue the book-entry-only form of registration with DTC. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will cause to be authenticated and delivered to the beneficial owners replacement Notes in the form of fully registered certificates. Reference is made to the Preliminary Official Statement for further information regarding the book-entry-only system of registration of the Notes and DTC.

Redemption of Notes Prior to Maturity.

General. Whenever the Issuer is to select Notes for the purpose of redemption, it will, in the case of Notes in denominations greater than the minimum Authorized Denomination, if less than all of the Notes then outstanding are to be called for redemption, treat each minimum Authorized Denomination of face value of each such fully registered Note as though it were a separate Note in the minimum Authorized Denomination.

Optional Redemption. At the option of the Issuer, the Notes will be subject to redemption and payment prior to maturity on April 1, 2025, and thereafter, as a whole or in part (selection of the amount of Notes to be redeemed to be determined by the Issuer in such equitable manner as it may determine) at any time, at the redemption price of 100% (expressed as a percentage of the principal amount), plus accrued interest to the date of redemption.

Notice and Effect of Call for Redemption. Unless waived by any owner of Notes to be redeemed, if the Issuer shall call any Notes for redemption and payment prior to the maturity thereof, the Issuer shall give written notice of its intention to call and pay said Notes to the Note Registrar and the Successful Bidder. In addition, the Issuer shall cause the Note Registrar to give written notice of redemption to the registered owners of said Notes. Each of said written notices shall be deposited in United States first class mail not less than 30 days prior to the Redemption Date. All notices of redemption shall state the Redemption Date, the redemption price, the Notes to be redeemed, the place of surrender of Notes so called for redemption and a statement of the effect of the redemption. The Issuer shall also give such additional notice as may be required by State law or regulation of the Securities and Exchange Commission in effect as of the date of such notice. If any Note be called for redemption and payment as aforesaid, all interest on such Note shall cease from and after the Redemption Date, provided funds are available for its payment at the price hereinbefore specified.

Authority, Purpose and Security. The Notes are being issued pursuant to K.S.A. 10-123, and K.S.A. 14-570 *et seq*., as amended by Charter Ordinance No. 11, as amended, and a resolution adopted by the Governing Body (the "Note Resolution") for the purpose of paying the cost of certain capital improvements (the "Improvements"). The Notes shall be general obligations of the Issuer payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the Issuer. The full faith, credit and resources of the Issuer are irrevocably pledged for the prompt payment of the principal and interest on the Notes as the same become due.

Submission of Bids. Facsimile bids must be made on forms which may be procured from the Municipal Advisor and shall be addressed to the undersigned, and marked "Proposal for General Obligation Temporary Notes, Series 2024-1." Facsimile bids should not be preceded by a cover sheet and should be sent only once to ***(620) 332-2511*** or ***(913) 345-3393***. Confirmation of receipt of facsimile bids may be made by contacting the Municipal Advisor at the number listed below. Electronic bids via PARITY® must be submitted in accordance with its Rules of Participation, as well as the provisions of this Notice of Note Sale. ***Any bid submitted shall include the initial offering prices to the public for the Notes***. If provisions of this Notice of Note Sale conflict with those of PARITY®, this Notice of Note Sale shall control. Bids must be received prior to the Submittal Hour on the Sale Date. The Issuer and Municipal Advisor shall not be responsible for failure of the transmission or the receipt of any bid.

PARITY®. Information about the electronic bidding services of PARITY® may be obtained from i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, Phone No. (212) 849-5023.

Conditions of Bids. Proposals will be received on the Notes bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: (a) the same rate shall apply to all Notes of the same maturity year; (b) no interest rate may exceed a rate equal to the daily yield for the 10-year Treasury Bond published by ***THE BOND BUYER***, in New York, New York, on the Monday next preceding the day on which the Notes are sold, plus 3%; and (c) no supplemental interest payments will be considered. No bid shall be for less than ***100%*** of the principal amount of the Notes and accrued interest thereon to the date of delivery will be considered. Each bid shall specify the total interest cost (expressed in dollars) during the term of the Notes on the basis of such bid, and an estimate of the TIC (as hereinafter defined) on the basis of such bid. Each bidder shall certify to the Issuer the correctness of the

information contained on the Official Bid Form; the Issuer will be entitled to rely on such certification. Each bidder agrees that, if it is awarded the Notes, it will provide the certification described under the caption "Establishment of Issue Price" in this Notice.

Good Faith Deposit. A good faith deposit is not required to bid on the Notes.

Basis of Award. The award of the Notes will be made on the basis of the lowest true interest cost ("TIC"), which will be determined as follows: the TIC is the discount rate (expressed as a per annum percentage rate) which, when used in computing the present value of all payments of principal and interest to be paid on the Notes, from the payment dates to the Dated Date, produces an amount equal to the price bid, including any adjustments for premium, if any. Present value will be computed on the basis of semiannual compounding and a 360-day year of twelve 30-day months. Bidders are requested to provide a calculation of the TIC for the Notes on the Official Bid Form, computed as specified herein on the basis of their respective bids, which shall be considered as informative only and not binding on either the bidder or the Issuer. The Municipal Advisor will verify the TIC based on such bids. If there is any discrepancy between the TIC specified and the bid price and interest rates specified, the specified bid price and interest rates shall govern and the TIC specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest TIC are received, the governing body of the Issuer will determine which bid, if any, will be accepted, and its determination is final.

The Issuer reserves the right to reject any and/or all bids and to waive any irregularities in a submitted bid. Any bid received after the Submittal Hour on the Sale Date will not be considered. Any disputes arising hereunder shall be governed by the laws of the State, and any party submitting a bid agrees to be subject to jurisdiction and venue of the federal and state courts within the State with regard to such dispute.

The Issuer's acceptance of the Successful Bidder's proposal for the purchase of the Notes in accordance with this Notice of Note Sale shall constitute a note purchase agreement between the Issuer and the Successful Bidder for purposes of the laws of the State and a contract between the Issuer and the Successful Bidder for the purposes of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") and Rule G-32 of the Municipal Securities Rulemaking Board ("Rule G-32"). The method of acceptance shall be determined solely by the Governing Body.

Ratings. The outstanding general obligation bonds of the Issuer are rated "A" by S&P Global Ratings, a division of Standard & Poor's Financial Services LLC. The Issuer has applied to S&P Global Ratings, a division of Standard & Poor's Financial Services LLC for a rating on the Notes herein offered for sale.

CUSIP Numbers. CUSIP identification numbers will be assigned and printed on the Notes, but neither the failure to print such number on any Note nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Notes in accordance with the terms of this Notice. The Municipal Advisor will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. All expenses in relation to the assignment and printing of CUSIP numbers on the Notes will be paid by the Issuer.

Delivery and Payment. The Issuer will pay for the preparation of the Notes and will deliver the Notes properly prepared, executed and registered without cost on or about **FEBRUARY 1, 2024** (the "Closing Date"), to DTC for the account of the Successful Bidder. The Successful Bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Notes and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the Notes affecting their validity and a certificate regarding the

completeness and accuracy of the Official Statement. Payment for the Notes shall be made in federal reserve funds, immediately available for use by the Issuer. The Issuer will deliver one Note of each maturity registered in the nominee name of DTC.

Establishment of Issue Price.

(a) In order to provide the Issuer with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively the "Code"), the Successful Bidder will be required to assist the Issuer in establishing the "issue price" of the Notes and complete, execute and deliver to the Issuer prior to the Closing Date, a written certification in a form acceptable to the Successful Bidder, the Issuer and Bond Counsel (the "Issue Price Certificate") containing the following for the Notes: (1) the interest rate; (2) the reasonably expected initial offering price to the "public" (as said term is used in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (3) pricing wires or equivalent communications supporting such offering or sale price. However, such Issue Price Certificate may indicate that the Successful Bidder has purchased the Notes for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Notes for sale to the public. Any action to be taken or documentation to be received by the Issuer pursuant hereto may be taken or received by the Municipal Advisor or Bond Counsel on behalf of the Issuer.

(b) The Issuer intends that the sale of the Notes pursuant to this Notice shall constitute a "competitive sale" as defined in the Regulation. In support thereof: (1) the Issuer shall cause this Notice to be disseminated to potential bidders in a manner reasonably designed to reach potential bidders; (2) all bidders shall have an equal opportunity to submit a bid; (3) the Issuer reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Notes; and (4) the Issuer anticipates awarding the sale of the Notes to the bidder that provides a bid with the lowest TIC in accordance with the section hereof entitled "Basis of Award."

(c) Any bid submitted pursuant to this Notice shall be considered a firm offer for the purchase of the Notes as specified therein. The Successful Bidder shall constitute an "underwriter" as said term is defined in the Regulation. By submitting its bid, the Successful Bidder confirms that it shall require any agreement among underwriters, a selling group agreement or other agreement to which it is a party relating to the initial sale of the Notes, to include provisions requiring compliance with provisions of the Code and the Regulation regarding the initial sale of the Notes.

(d) If all of the requirements of a "competitive sale" are not satisfied, the Issuer shall advise the Successful Bidder of such fact at the time of award of the sale of the Notes to the Successful Bidder and the following provisions shall apply to the Notes. ***In such event, any bid submitted will not be subject to cancellation or withdrawal***. Within twenty-four (24) hours of the notice of award of the sale of the Notes, the Successful Bidder shall advise the Issuer if a "substantial amount" (as defined in the Regulation (10%)) of Notes has been sold to the public and the price at which such substantial amount was sold. The Issuer will treat such sale price as the "issue price" for the Notes. The Issuer will ***not*** require the Successful Bidder to comply with that portion of the Regulation commonly described as the "hold-the-offering-price" requirement for the Notes, but the Successful Bidder may elect such option. If the Successful Bidder exercises such option, the Issuer will apply the initial offering price to the public provided in the bid as the issue price for the Notes. If the Successful Bidder does not exercise that option, it shall thereafter promptly provide the Issuer the prices at which a substantial amount of the Notes are sold to the public. ***Any change in the issue price of any of the Notes after the Submittal Hour will not affect the purchase price for the Notes submitted in the bid of the Successful Bidder***.

(e) This agreement by the Successful Bidder to provide such information will continue to apply after the Closing Time if: (a) the Issuer requests the information in connection with an audit or inquiry by the Internal Revenue Service (the "IRS") or the Securities and Exchange Commission (the "SEC") or (b) the information is required to be retained by the Issuer pursuant to future regulation or similar guidance from the IRS, the SEC or other federal or state regulatory authority.

Preliminary Official Statement and Official Statement. The Issuer has prepared a Preliminary Official Statement dated December 19, 2023, "deemed final" by the Issuer except for the omission of certain information as provided in the Rule, copies of which may be obtained from the Municipal Advisor. Upon the sale of the Notes, the Issuer will adopt the final Official Statement and will furnish the Successful Bidder, without cost, within seven business days of the acceptance of the Successful Bidder's proposal, with a sufficient number of copies thereof, which may be in electronic format, in order for the Successful Bidder to comply with the requirements of the Rule and Rule G-32. Additional copies may be ordered by the Successful Bidder at its expense.

Continuing Disclosure. In the Note Resolution, the Issuer has covenanted to annually provide certain financial information and operating data and other information necessary to comply with the Rule, and to transmit the same to the Municipal Securities Rulemaking Board. This covenant is for the benefit of and is enforceable by any Registered Owner of the Notes. For further information, reference is made to the caption "CONTINUING DISCLOSURE" in the Preliminary Official Statement.

Assessed Valuation and Indebtedness. The total assessed valuation of the taxable tangible property within the Issuer for the year 2023 is as follows:

Equalized Assessed Valuation of	
Taxable Tangible Property	$62,741,889
Tangible Valuation of Motor Vehicles (2022)	7,421,766
Equalized Assessed Tangible Valuation	
for Computation of Bonded Debt Limitations	$70,163,655

The total general obligation indebtedness of the Issuer as of the Dated Date, including the Notes being sold, is $30,390,000.

Legal Opinion. The Notes will be sold subject to the approving legal opinion of GILMORE & BELL, P.C., WICHITA, KANSAS, Bond Counsel to the Issuer, which opinion will be furnished and paid for by the Issuer, will be printed on the Notes, if the Notes are printed, and will be delivered to the Successful Bidder when the Notes are delivered. Said opinion will also include the opinion of Bond Counsel relating to the interest on the Notes being excludable from gross income for federal income tax purposes and exempt from income taxation by the State of Kansas. Reference is made to the Preliminary Official Statement for further discussion of federal and Kansas income tax matters relating to the interest on the Notes.

Electronic Transactions. The transactions described herein may be conducted and related documents may be sent, received and stored by electronic means or transmissions. All bid documents, closing documents, certificates, ordinances, resolutions and related instruments may be executed by electronic means or transmissions. Copies, telecopies, electronic files and other reproductions of original executed documents (or documents executed by electronic means or transmissions) shall be deemed to be authentic and valid counterparts of such documents for all purposes, including the filing of any claim, action or suit in the appropriate court of law.

Additional Information. Additional information regarding the Notes may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

DATED: December 14, 2023.

CITY OF INDEPENDENCE, KANSAS
By: Lacey Lies, Director of Finance

Issuer:

City Hall
120 North 6th Street
Independence, Kansas 67301
Attn: Director of Finance
Phone No.: (620) 332-2505
Fax No.: (620) 332-2511
Email: laceyl@independenceks.gov

Municipal Advisor:

Piper Sandler & Co.
11635 Rosewood Street
Leawood, Kansas 66211
Attn: Clayton Kelley
Phone No.: (913) 345-3300
Fax No.: (913) 345-3393
Email: clayton.kelley@psc.com

OFFICIAL BID FORM

PROPOSAL FOR THE PURCHASE OF CITY OF INDEPENDENCE, KANSAS
GENERAL OBLIGATION TEMPORARY NOTES

TO: Lacey Lies, Director of Finance
City of Independence, Kansas

January 9, 2024

For $4,565,000* principal amount of General Obligation Temporary Notes, Series 2024-1, of the City of Independence, Kansas (the "Issuer"), to be dated February 1, 2024, as described in your Notice of Note Sale dated December 14, 2023 (the "Notice"), said Notes to bear interest as follows:

Maturity October 1	Principal Amount	Interest Rate	Initial Offering Price
2027	$4,565,000*	_____%	_____%

* Subject to change, see the Notice

the undersigned will pay the purchase price for the Notes set forth below, plus accrued interest to the date of delivery.

Principal Amount $4,565,000*
Plus Premium (if any) .....
Total Purchase Price .....$

Total interest cost to maturity at the rate(s) specified .....$
Net interest cost.....$
Average annual net interest rate .....%
True Interest Cost .....%

This proposal is subject to all terms and conditions contained in the Notice, and if the undersigned is the Successful Bidder, the undersigned will comply with all of the provisions contained in the Notice. The acceptance of this proposal by the Issuer by execution below shall constitute a contract between the Issuer and the Successful Bidder for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission and a note purchase agreement for purposes of the laws of the State of Kansas.

Submitted by: _____

(LIST ACCOUNT MEMBERS ON REVERSE)

By: _____
Telephone No. (_____)_____

ACCEPTANCE

Pursuant to action duly taken by the Governing Body of the Issuer the above proposal is hereby accepted on January 9, 2024.

Attest:

_____ Clerk

_____ City Manager

NOTE: No additions or alterations in the above proposal form shall be made, and any erasures may cause rejection of any bid. Facsimile bids may be filed with Director of Finance, Fax No. (620) 332-2511 or with Piper Sandler & Co., Fax No. (913) 345-3393, and electronic bids may be submitted via ***PARITY***®, at or prior to 10:00 A.M. applicable Central Time, on January 9, 2024. Any bid received after such time will not be accepted or shall be returned to the bidder.

REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval** Kelly Passauer

AGENDA ITEM Consider Adopting Resolution No. 2023-067 approving the redemption and payment of the City's Taxable Industrial Revenue Bonds, Series 2016 (Hugo's Industrial Supply).

SUMMARY RECOMMENDATION Adopt the resolution and authorize the necessary signatures

BACKGROUND In 2016, the City of Independence issued its Taxable Industrial Revenue Bonds Series 2016 (Hugo's Industrial Supply) for the purpose of financing the cost of acquiring and improving a certain facility to be used for commercial purposes. The project was leased to Calcor, LLC, pursuant to a lease dated December 1, 2016, between the City and the tenant. The tenant desires to exercise its option to purchase the project and retire the 2016 bonds.

FINANCIAL INFORMATION There is no cost to the City with the retirement of these bonds. The property included in the project will no longer be exempt from property tax.

SUGGESTED MOTION I move to adopt Resolution 2023-067 authorizing the redemption and payment of its Taxable Industrial Revenue Bonds, Series 2016 (Hugo's Industrial Supply) and authorize the Mayor to sign all necessary documentation

SUPPORTING DOCUMENTS

1. Resolution 2023-067 and Release of Lease
2. Signed Letter of Exercising Option to Purchase

Gilmore & Bell, P.C.
12/04/2023

RESOLUTION NO. 2023-067

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF INDEPENDENCE, KANSAS AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN PROPERTY TO CALCOR, LLC

WHEREAS, pursuant to Ordinance No. 4235 and the Bond Agreement dated as of December 1, 2016, the City of Independence, Kansas (the "Issuer") has previously issued its Taxable Industrial Revenue Bonds, Series 2016 (Hugo's Industrial Supply Project) in the original aggregate principal amount of $800,000 (the "Bonds") to finance the cost of acquiring and improving a certain facility to be used for commercial purposes (the "Project"), such Project having been leased to Calcor, LLC, a Kansas limited liability company (the "Tenant") pursuant to a Lease dated as of December 1, 2016 between the City and the Tenant (the "Lease"); and

WHEREAS, upon final maturity of the Bonds, the Tenant desires to exercise its option to purchase the Project under Section 17.1 of the Lease and is not in default under the Lease; and

WHEREAS, the Tenant has made all the payments of Basic Rent and Additional Rent pursuant to the Lease and all principal and interest on the Bonds has been paid or payment has been or will be provided for upon final maturity of the Bonds; and

WHEREAS, the Tenant has provided the City written notice of its intent to exercise its option to purchase the Project;

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

Section 1. The Mayor and Clerk are authorized and directed to execute a special warranty deed, a bill of sale and a release of lease, in substantially the forms submitted to the Governing Body concurrently with the adoption of this Resolution. On or after the final maturity date of the Bonds and upon receipt of certification from Security Bank of Kansas City, as fiscal and paying agent for the Bonds, that no Bonds remain outstanding, the Clerk is directed to deliver the executed special warranty deed, a bill of sale and a release of lease to the Tenant.

Section 2. The Mayor and Clerk are further authorized and directed to sign such other instruments and certificates as shall be necessary and desirable in connection with this Resolution, and are further authorized to take such further actions as may be necessary to accomplish the purposes of this Resolution.

[BALANCE OF THIS PAGE LEFT BLANK INTENTIONALLY]

ADOPTED by the governing body of the City of Independence, Kansas on December 14, 2023.

CITY OF INDEPENDENCE, KANSAS

_____
Mayor

[SEAL]

Attest:

_____
Clerk

THIS CONVEYANCE IS FOR THE PURPOSE OF RELEASING SECURITY FOR A DEBT OR OTHER OBLIGATION AND IS EXEMPT FROM THE REQUIREMENTS OF A SALES VALIDATION QUESTIONNAIRE PURSUANT TO K.S.A. 79-1437e(2).

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made January 15, 2024, between the City of Independence, Kansas, a municipal corporation, as Grantor, and Calcor, LLC, a Kansas limited liability company, as Grantee;

WITNESSETH, that the Grantor, in furtherance of the terms of a certain Lease dated as of December 1, 2016, between Grantor and Grantee, and as authorized by a Resolution duly adopted by the governing body of the Grantor, and by these presents conveys to Grantee, its successors and assigns, all the following described real estate in Montgomery County, Kansas:

See **Exhibit A** attached hereto

for the sum of $100.00 and other valuable consideration;

TO HAVE AND TO HOLD, the premises described, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in any way appertaining, to Grantee and to its successors and assigns forever; and Grantor covenants that the premises are free and clear of all encumbrances whatsoever, except (a) those to which the title was subject on the date of conveyance to Grantor, or to which title became subject with Grantee's written consent, or which resulted from any failure of Grantee to perform any of its covenants or obligations under the Lease from Grantor referred to above, (b) taxes and assessments, general and special, if any, and (c) the rights, titles and interests of any party having condemned or attempting to condemn title to, or the use for a limited period of, all or any part of the premises conveyed; and that it will warrant and defend the title to the premises to Grantee and Grantee's successors and assigns forever against the lawful claims and demands of anyone claiming by, through or under it.

IN WITNESS WHEREOF, Grantor has executed this deed and affixed its corporate seal on the day and year first above written.

[SEAL]

ATTEST:

CITY OF INDEPENDENCE, KANSAS
a municipal corporation

_____
David Schwenker, Clerk

_____
Louis Ysusi, Mayor

STATE OF KANSAS)
) SS:
COUNTY OF MONTGOMERY)

The foregoing instrument was acknowledged before me this ____ day of _____, _____ by Louis Ysusi, as Mayor, and David Schwenker, as Clerk, respectively, of the City of Independence, Kansas, on behalf of the City.

[SEAL]

_____
Notary Public

My appointment expires:

_____

EXHIBIT A

The following described real estate in Montgomery County, Kansas:

Parcel 1: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1980.10 feet to the Southwest corner of the E/2 of the SE/4 of the SW/4 of Section 26, Township 32, Range 15, thence N 00°01'38" W 45 feet along the West line of said E/2 of the SE/4 of the SW/4 to the North highway right of way of U.S. 75 and 160 Highway, thence N 00°01'38" W 615 feet, thence S 89°33'22" E 330 feet, parallel to the South section line, thence S 00°01'38" E 610 feet to the North Highway right of way of U.S. 75 and 160; thence N 89°33'22" W 125 feet, thence S 00°01'38" E 5 feet, thence N 89°33'22" W 205 feet to the point of beginning

Parcel 2: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4 to a point 300 feet South of the Northwest corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East to the true point of beginning, thence N 00°00'00" E 60 feet, thence S 89°34'32" E 330 ft., parallel to the North line of said SW/4 of the SE/4 of the SW/4, thence S 00°00'00" E 60 feet, then N 89°34'32" W 330.00 feet to the true point of beginning

Parcel 3: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4, thence S 89°34'22" E 330 feet parallel to the North line of the SW/4 of the SE/4 of the SW/4 to the true point of beginning, thence N 00°00'00" E 300 feet to the North line of said SW/4 of the SE/4 of the SW/4, thence S 89°34'32" E 329.72 feet to the Northeast corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East, S 00°01'38" E 496.78 feet along the East line of said SW/4 of the SE/4 of the SW/4 to a point 164 feet North of the Southeast corner of the SW/4 of the SE/4 of the SW/4, thence N 89°33'22" W 185.58 feet, thence S 01°25'47" W 124 feet to the North US 75 and 160 Highway right-of-way thence West 99.25 feet along the Highway right of way to a point 372 feet East of the West line of the SE/4 of the SW/4, thence N 01°25'47" E 320.46 feet, thence N 89°34'32" W 50 feet to the true point of beginning

ALL OF THE ABOVE ALSO DESCRIBED AS:

A tract of land located in a portion of the SW/4 of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, and being more particularly described as follows:

Commencing at the SW corner of the SE/4 of the SW/4 of said Section 26, thence N 00°00'00" E (assumed bearing) along the West line of the SE/4 of the SW/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW/4 of the SE/4 of the SW/4 of said Section 26, said point being the point of beginning;

thence continuing N 00°00'00" E a distance of 60.00 feet,

thence S 89°34'29" E parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 330.00 feet;

thence N 00°00'00" E a distance of 240.00 feet to the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 00°00'33" E parallel with the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26, a distance of 610.43 feet to the North right-of-way of U.S. 75 and 160 Highway;

thence N 89°36'17" W along said North right-of-way a distance of 120.15 feet;

thence S 00°23'43" W along said right-of-way a distance of 10.00 feet;

thence N 89°36'17" W along said right-of-way a distance of 209.78 feet to a point on the East line of the SW/4 of the SE/ of the SW/4 of said Section 26,

thence N 00°00'33" W along said East line a distance of 124.00 feet;

Thence N 89°36'17" W a distance of 185.58 feet;

Thence S 01°25'47" W a distance of 124.02 feet to the North right-of-way of U.S. 75 and 160 Highway;

Thence N 89°36'17" W along said North right-of-way a distance of 99.16 feet;

Thence N 01°25'47" E a distance of 320.80 feet to a point 300.00 feet South of the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

Thence N 89°34'29" W parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 380.00 feet to the point of beginning

BILL OF SALE

In furtherance of the terms of a certain Lease dated as of December 1, 2016, between the City of Independence, Kansas, as Assignor, and Calcor, LLC, a Kansas limited liability company, as Assignee, and for valuable consideration, Assignor transfers, assigns and conveys to Assignee, all personal property purchased with the proceeds of the City of Independence, Kansas, Taxable Industrial Revenue Bonds, Series 2016 (Hugo's Industrial Supply Project).

[SEAL]

ATTEST:

CITY OF INDEPENDENCE, KANSAS
a municipal corporation

_____
David Schwenker, Clerk

_____
Louis Ysusi, Mayor

STATE OF KANSAS)
) SS:
COUNTY OF MONTGOMERY)

The foregoing instrument was acknowledged before me this ____ day of _____, _____ by Louis Ysusi, as Mayor, and David Schwenker, as Clerk, respectively, of the City of Independence, Kansas, on behalf of the City.

[SEAL]

_____
Notary Public

My appointment expires:

_____

RELEASE OF LEASE

WHEREAS, the City of Independence, Kansas (the "Issuer") has entered into a Lease dated as of December 1, 2016 (the "Lease") between the Issuer and Calcor, LLC, a Kansas limited liability company (the "Tenant"), notice of which is recorded in Book 655 at page 881-884 in the office of the Montgomery County Register of Deeds; and

WHEREAS, the Issuer assigned its interest in the Lease to Security Bank of Kansas City, Kansas City, Kansas, acting as Fiscal and Paying Agent for the Issuer and others for purpose of enforcement of the Tenant's covenants under the Lease, notice of which is recorded in Book 655 at page 885-890 in the office of the Montgomery County Register of Deeds; and

WHEREAS, the Tenant has exercised its option to purchase the facility described in the Lease (the "Project") from the Issuer; and

WHEREAS, all of the Tenant's obligations to the Issuer under the Lease have been satisfied;

THEREFORE, the property described in the attached *Schedule I* is released from any claim of the Issuer and the Fiscal and Paying Agent under the Lease as of January 15, 2024.

CITY OF INDEPENDENCE, KANSAS

_____
Louis Ysusi, Mayor

[SEAL]

ATTEST:

_____
David Schwenker, Clerk

ACKNOWLEDGMENT

STATE OF KANSAS)
) SS:
COUNTY OF MONTGOMERY)

The foregoing instrument was acknowledged before me this ____ day of _____, _____ by Louis Ysusi, as Mayor, and David Schwenker, as Clerk, respectively, of the City of Independence, Kansas, on behalf of the City.

[SEAL]

_____
Notary Public

My appointment expires:

_____

SECURITY BANK OF KANSAS CITY
Kansas City, Kansas

By: _____
Name: _____
Title: _____

STATE OF KANSAS)
) SS:
COUNTY OF _____)

This instrument was acknowledged before me this ___ day of _____, _____ by _____ as _____ and trust officer of Security Bank of Kansas City, Kansas City, Kansas, a Kansas banking association or corporation.

[SEAL]

_____
Notary Public

My appointment expires:

_____

SCHEDULE I

DESCRIPTION OF PROPERTY

The following property acquired by the City of Independence, Kansas (the "Issuer") in connection with the issuance by the City of its Taxable Industrial Revenue Bonds, Series 2016 (Hugo's Industrial Supply Project) (the "Series 2016 Bonds"):

(a) The following described real estate in Montgomery County, Kansas:

Parcel 1: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1980.10 feet to the Southwest corner of the E/2 of the SE/4 of the SW/4 of Section 26, Township 32, Range 15, thence N 00°01'38" W 45 feet along the West line of said E/2 of the SE/4 of the SW/4 to the North highway right of way of U.S. 75 and 160 Highway, thence N 00°01'38" W 615 feet, thence S 89°33'22" E 330 feet, parallel to the South section line, thence S 00°01'38" E 610 feet to the North Highway right of way of U.S. 75 and 160; thence N 89°33'22" W 125 feet, thence S 00°01'38" E 5 feet, thence N 89°33'22" W 205 feet to the point of beginning

Parcel 2: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East, Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4 to a point 300 feet South of the Northwest corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East to the true point of beginning, thence N 00°00'00" E 60 feet, thence S 89°34'32" E 330 ft., parallel to the North line of said SW/4 of the SE/4 of the SW/4, thence S 00°00'00" E 60 feet, then N 89°34'32" W 330.00 feet to the true point of beginning

Parcel 3: Beginning at the Southwest corner of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, thence S 89°33'22" E 1320.07 feet to the Southwest corner of the SE/4 of the SW/4 of said Section, thence N 00°00'00" E 361.02 feet along the West line of said SE/4 of the SW/4, thence S 89°34'22" E 330 feet parallel to the North line of the SW/4 of the SE/4 of the SW/4 to the true point of beginning, thence N 00°00'00" E 300 feet to the North line of said SW/4 of the SE/4 of the SW/4, thence S 89°34'32" E 329.72 feet to the Northeast corner of the SW/4 of the SE/4 of the SW/4 of Section 26, Township 32 South, Range 15 East, S 00°01'38" E 496.78 feet along the East line of said SW/4 of the SE/4 of the SW/4 to a point 164 feet North of the Southeast corner of the SW/4 of the SE/4 of the SW/4, thence N 89°33'22" W 185.58 feet, thence S 01°25'47" W 124 feet to the North US 75 and 160 Highway right-of-way thence West 99.25 feet along the Highway right of way to a point 372 feet East of the West line of the SE/4 of the SW/4, thence N 01°25'47" E 320.46 feet, thence N 89°34'32" W 50 feet to the true point of beginning

ALL OF THE ABOVE ALSO DESCRIBED AS:

A tract of land located in a portion of the SW/4 of Section 26, Township 32 South, Range 15 East of the 6th P.M., Montgomery County, Kansas, and being more particularly described as follows:

Commencing at the SW corner of the SE/4 of the SW/4 of said Section 26, thence N

00°00'00" E (assumed bearing) along the West line of the SE/4 of the SW/4 of said Section 26 a distance of 360.95 feet to a point 300.00 feet South of the NW corner of the SW/4 of the SE/4 of the SW/4 of said Section 26, said point being the point of beginning;

thence continuing N 00°00'00" E a distance of 60.00 feet,

thence S 89°34'29" E parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 330.00 feet;

thence N 00°00'00" E a distance of 240.00 feet to the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 89°34'29" E along said North line a distance of 659.76 feet to a point 330.00 feet East of the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

thence S 00°00'33" E parallel with the East line of the SW/4 of the SE/4 of the SW/4 of said Section 26, a distance of 610.43 feet to the North right-of-way of U.S. 75 and 160 Highway;

thence N 89°36'17" W along said North right-of-way a distance of 120.15 feet;

thence S 00°23'43" W along said right-of-way a distance of 10.00 feet;

thence N 89°36'17" W along said right-of-way a distance of 209.78 feet to a point on the East line of the SW/4 of the SE/ of the SW/4 of said Section 26,

thence N 00°00'33" W along said East line a distance of 124.00 feet;

Thence N 89°36'17" W a distance of 185.58 feet;

Thence S 01°25'47" W a distance of 124.02 feet to the North right-of-way of U.S. 75 and 160 Highway;

Thence N 89°36'17" W along said North right-of-way a distance of 99.16 feet;

Thence N 01°25'47" E a distance of 320.80 feet to a point 300.00 feet South of the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26;

Thence N 89°34'29" W parallel with the North line of the SW/4 of the SE/4 of the SW/4 of said Section 26 a distance of 380.00 feet to the point of beginning

said real property constituting the "Land" as referred to in the Lease entered into by the Issuer concurrently with the issuance of the Series 2016 Bonds (the "Lease"), subject to Permitted Encumbrances:

(b) All buildings, building additions, improvements, machinery and equipment constructed, located or installed on the Land, all or any portion of the costs of which were paid from the proceeds of the Series 2016 Bonds, and which constitute "Improvements" referred to in the Lease, together with any substitutions or replacements therefor, the property described in paragraphs (a) and (b) of this *Schedule I* together constituting the "Project" as referred to in the Lease.

FISCAL AND PAYING AGENT'S CERTIFICATION

Re: City of Independence, Kansas
Taxable Industriral Revenue Bonds, Series 2016
(Hugo's Industrial Supply Project) (the "Bonds")

The undersigned, on behalf of Security Bank of Kansas City, Kansas City, Kansas, as Fiscal and Paying Agent with respect to the referenced Bonds, certifies that as of the date hereof, no Bonds remain outstanding under the Bond Agreement dated December 1, 2016 authorizing and securing the Bonds, and all fees and expenses of the Fiscal and Paying Agent in connection with such Bonds have been paid in full.

Dated: January 15, 2024

SECURITY BANK OF KANSAS CITY
Kansas City, Kansas

By: _____
Name: _____
Title: _____

[Calcor, LLC Letterhead]

December ___, 2023

City of Independence, Kansas
Independence, Kansas

Security Bank of Kansas City
Kansas City, Kansas

Re: City of Independence, Kansas
Taxable Industrial Revenue Bonds, Series 2016
(Hugo's Industrial Supply Project)

Ladies and Gentlemen:

This is to advise that upon final maturity of the above referenced bonds, Calcor, LLC elects to exercise the option to purchase the Project as described in Section 17.1 of the Lease between the City of Independence, Kansas, as Issuer, and Calcor, LLC, a Kansas limited liability company, as Tenant, as authorized by Ordinance No. 4235 of the Issuer. Closing is proposed to be on or after January 15, 2024.

Very truly yours,

CALCOR, LLC

By: Corey Hugo
Name: Corey Hugo
Title: owner

Report
CITY OF INDEPENDENCE
December 14, 2023

Department Admin **Director Approval Kelly Passauer**

AGENDA ITEM City Board Minutes

BACKGROUND See attached minutes from the Planing Commission and Recreation Commission.

SUPPORTING DOCUMENTS

1. September 5, 2023 Planning Commission and Board of Zoning Appeals meeting - Signed
2. Nov. 22, 2023 Recreation Commission Board Minutes

Minutes of the Planning and Zoning Commission/Board of Zoning Appeals's September 5, 2023 Meeting

I. Call to Order

Present: Brent Littleton, Lisa Richard, Scott Smith, Rachel Lyon, Michelle Anderson, Anthony (Tony) Royse, Tim Haynes

Absent: Andy McLenon, Mary Jo Meier

Tim Haynes, Chairperson, called the meeting to order.

II. Minutes

a. Consider approving minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

Motion:
On the motion of Scott Smith, seconded by Brent Littleton the Commission approved the minutes of the August 8, 2023 Planning Commission/Board of Zoning Appeals meeting.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

III. Board of Zoning Appeals (Does not include outside City appointments)

a. Public Hearing to receive comments on a variance request for the size of electronic signs in a C-3 central business district.

Tim Haynes, Chairperson, opened the public hearing.

Motion:
On the motion of Scott Smith, seconded by Rachel Lyon the Commission approved a variance of 6.98 square feet for the Independence Historical Museum to replace their marquee letterboard with a new digital sign.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

IV. Planning Commission

a. Public Hearing to receive comments on a request for a conditional use permit for "utility substations not elsewhere listed" in an R-4, medium density multifamily dwelling district at 401 North 10th Street.

Tim Haynes, Chairperson, opened the public hearing.

Motion:

On the motion of Tim Haynes, seconded by Lisa Richard the Commission adjourned the public hearing until October 3, 2023 at 5:30 p.m.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

b. Public hearing to consider a text amendment to the zoning code regarding storage sheds.

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer explained the added language to the code regarding accessory uses in 1015.0 concerning accessory uses not located on the same lot or contiguous lot as the principal building or principal use served and 1015.1 special conditions as a conditional use. Storage units are larger than they have been in the past so the measurement was changed to 300 sq. ft.

By requiring the storage shed to be adjacent to the principal building or principal use served, it will keep the number down. Also, because it requires a conditional use, all neighbors will be notified.

Tim Haynes asked if possession is changed, would the new owner be required to reapply for a conditional use.

Kelly Passauer said that yes, it will not transfer. If the property is sold, the new owners would have to come into compliance.

Scott Smith wants everything left on one lot so there will not be units on vacant lots.

Lisa Richard wants a definition added to the code to clarify the definition of adjacent.

Motion:
On the motion of Rachel Lyon, seconded by Lisa Richard the Commission recommended the City Commission adopt an ordinance for a text amendment to the zoning code related to accessory uses as prepared by City staff, but with the following additional modifications: defining the meaning of adjacent.

Aye: Lisa Richard, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: Scott Smith

c. Public hearing to consider a text amendment to the zoning code regarding cargo shipping containers, also known as "Conex containers" or "portable steel storage containers."

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer reviewed the proposed ordinance with the commissioners.

Tim Haynes asked if the reference to size could be removed from the proposed ordinance. He also asked how the container engineering could be designed without specifying the sizes, i.e. to specify that not all containers that look like shipping containers are actually shipping containers.

Kelly Passauer asked if the building department would address this issue.

David Cowan said this issue would be addressed through the building code.

Motion:
On the motion of Tim Haynes, seconded by Rachel Lyon the Commission recommended the City Commission adopt an ordinance for a text amendment to Article B - Zoning concerning shipping containers pending the removal of size and dimension specifications from the language.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Rachel Lyon
Nay: Anthony (Tony) Royse

d. Public Hearing to consider a text amendment to off-street parking in residential areas.

Tim Haynes, Chairperson, opened the public hearing.

Kelly Passauer explained the modified language under 403.0 - Definitions. Added for one- and two- dwelling units were open parking spaces off the alley with gravel, ribbon driveways and turf pavers.

Motion:
On the motion of Anthony (Tony) Royse, seconded by Lisa Richard the Commission moved to adopt a text amendment to off-street parking in residential areas as prepared by staff. This change is consistent with the intent and purpose of these regulations; the areas which are most likely to be directly affected by such change are residential zones; and such change is made necessary because of new planning concepts and social economic conditions in the areas and zoning districts affected as it offers a more eco-friendly and cost effective solution to off-street parking..

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

V. Discussion

Kelly Passauer let the Commissioners know that the contract has been signed for the Community Development/Comprehensive Plan.

VI. Adjournment

Motion:
On the motion of Tim Haynes, seconded by Scott Smith the Commission adjourned the meeting.

Aye: Lisa Richard, Scott Smith, Tim Haynes, Michelle Anderson, Brent Littleton, Anthony (Tony) Royse, Rachel Lyon
Nay: None

Tim Haynes, Chairperson

Rachel O Lynn Vice Chair

~~Anthony (Tony) Royse, Secretary~~ Resigned

INDEPENDENCE RECREATION COMMISSION

Monthly Meeting November 22, 2023

Ash Youth Center
1501 N. 10th Street
Independence, KS 67301

Members Present:

Christy Mavers
Joe Housel
Moises Rivera

Others Present:

Brent Julian
Lori Bromley
Nick McBride
Jim Butts
Galen Palmer
Chad Mavers

Christy Mavers opened the commission meeting at 11:35 a.m.

ROUTINE

Agenda
Joe Housel moved to approve the agenda as printed. Moises Rivera seconded. Motion carried 3-0.

Minutes
Joe Housel moved to approve the minutes from the October 18, 2023 board meeting. Moises Rivera seconded. Motion carried 3-0.

Bills
Joe Housel moved to approve the November 2023 invoices and checks for payment as presented in the amount of $3,615 as well as bills and employee benefits paid since the last board meeting in the amount of $18,799. Moises Rivera seconded. Motion carried 3-0.

Treasurer's Report
Galen Palmer reported the following bank balances as of October 31, 2023: First Oak Bank - Checking: $101,621.20; First Oak - Petty Cash: $500.00; Equity Bank - Savings $593.81. A discussion was held on Ad valorem taxes and the possibility of a small loan at the end of December if necessary. Joe Housel moved to approve the treasurer's report as presented. Moises Rivera seconded. Motion carried 3-0.

Christy Mavers introduced Chad Mavers, with Independence Leadership, to the board members. Christy informed the commission that Chad is here today to observe the meeting for Leadership. The board welcomed Chad to the meeting.

PROGRAMS/OPERATIONS

Maintenance Report

Jim Butts answered any questions the board had on the maintenance report. Christy Mavers asked Jim about helping out on the Park St renovations and Jim stated that he has helped with water lines, which will most likely need to be replaced, as well as cleaning out storage areas etc… Jim stated that he has also been winterizing the aquatic center and working on the indoor pool's boiler. Christy asked about the indoor pool and Jim stated that power was lost, and a fuse needed to be replaced.

Programs Report

Nick McBride answered any questions the board had on the programs report. Christy Mavers stated that she heard good things about the All-star tournaments this fall for soccer, volleyball and flag football. Nick informed the board that using Emerson baseball field on South Tenth St. worked out very well for soccer and football this season; however, the flag football tournament was played at the stadium. A discussion was held on the first session basketball and Nick informed the board that is just started on Monday and so far, so good. Christy asked about the officials and if any were adults and Nick stated that there are a few adults, and most are returning from previous years. Nick stated that he and Brent held a clinic for the officials to go over the rules etc… Christy asked about the Ash Center's gym and if there was plenty of room for spectators and Brent stated that it usually holds enough, and they make it work.

Director/Aquatics/Special Events Report

Brent Julian answered any questions the board had on the director/aquatics/special events report. Brent discussed the referee clinic stating they had a good turnout and went over the basics and the KSHSAA rule change for free throws for the older kids.

BUSINESS/FINANCE

New Sports Complex Update

Brent reported any updates to the board regarding the new sports complex. Brent stated that the demo has begun, the leveling is about done and he was surprised how much more room there is down there than originally thought. Brent encouraged the board members to drive by if they have not done so recently. Brent stated that things are running smoothly, and they are ahead of schedule. Christy Mavers asked about Tanner Kahler's memorial statue that was

located at Clark James Field and Brent stated that it has been put in storage and will most likely be located at the new entrance when the complex is completed.

Losey Gym Volleyball Nets

Brent informed the board that he had spoken to superintendent, Mr. McAfee, regarding the new retractable volleyball nets for the Middle School and everything appears to be in place to precede. Brent stated that attorney, Tim Emert, wrote up a contract between IRC and the school district basically stating that if IRC pays for half the cost of the nets in the amount of $18,200, then Losey gym is IRCs to use for volleyball on Sundays for the next 10 years. Brent explained that the contract does state that in the event the school district decides to no longer let IRC use the facility, then they would need to give written notice prior to the annual renewal and reimburse IRC a percentage of the total cost depending on the time frame of usage. The board agreed that Brent should go ahead and sign the contract.

Employee Holiday Bonus

Christy Mavers suggested that the board move into Executive Session for approximately ten minutes to discuss staff holiday bonuses.

EXECUTIVE SESSION

Joe Housel moved to approve moving into Executive Session for approximately ten minutes. Moises Rivera seconded. Motion carried 3-0. The regular meeting re-convened at 12:13 p.m.

ITEMS FROM THE COMMISSION

Christy Mavers	*Congratulated Nick McBride on being chosen to officiate the Women's NJCAA Division 1 soccer championship.
Joe Housel	* Would like to further discuss Nick's vacation hours used during soccer season. Brent stated he would get them that information.

ADJOURNMENT

The meeting was adjourned at 12:30 p.m.

Respectfully Submitted,

Joe Housel
Secretary